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11 EASTERN/WESTERN INTERIOR FEDERAL SUBSISTENCE
12 REGIONAL ADVISORY COUNCIL JOINT MEETING

13

14 Fairbanks, Alaska

15 October 8, 2002

16 9:00 o'clock a.m.

17

18

19 COUNCIL MEMBERS PRESENT:

20

21 Gerald Nicholia, Chairman

22 Sue Entsminger

23 Allen Stevens

24 Virgil Umphenour

25 Tricia Waggoner

26 Jim Wilde

27

28 Regional Coordinator, Donald Mike

29

30 COUNCIL MEMBERS PRESENT:

31

32 Ronald Sam, Chairman

33 Angela Demientieff

34 Benedict Jones

35 Jack Reakoff

36 Michael Stickman

37 Robert Walker

38

39 Regional Coordinator, Pete DeMatteo

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1 P R O C E E D I N G S

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3 (Fairbanks, Alaska - 10/8/2002)

4

5 (On record)

6

7 CHAIRMAN SAM: If our Council members
8 will make it up to the table. Eastern Interior has a
9 quorum. Western Interior is expecting one this
10 afternoon. So just a few quick announcements. I talked
11 with our recorder, she asks that all Council members turn
12 on their mike whenever we speak and that goes for the
13 Staff that's present with us and all the people that want
14 to testify.

15

16 Since I don't have a quorum I would just
17 like to say in opening that I'd like to thank Eastern
18 Interior for accepting us at the last moment. As many of
19 you know, Western Interior's Council meeting was
20 scheduled in Holy Cross but due to a funeral within that
21 area it was cancelled. And Eastern Interior accepted our
22 presence here at their scheduled meeting because of both
23 the State Department Staff and Federal OSM Staff. So at
24 this time I would just like to turn it over to Gerald.

25

26 CHAIRMAN NICHOLIA: Yeah, thank you, Ron.
27 Just to establish my quorum, I'd like Tricia to call out
28 who's all here, we've got four members for a quorum.

29

30 MS. WAGGONER: Craig Fleener.

31

32 CHAIRMAN NICHOLIA: Oh, wait, wait, sorry
33 about that.

34

35 I'm missing something here. I just lost
36 one of my elders and I want Paul Williams to come up and
37 give the invocation before we start.

38

39 MR. WILLIAMS: (Invocation - In Native
40 Language)

41

42 CHAIRMAN NICHOLIA: Okay, I'd just like
43 to mention that I'd like to have a moment of silence for
44 my uncle John Starr. He's the one that inspired me to be
45 on this Council here, he talked me into it. And this
46 last past week we just lost him and so I'd like a moment
47 of silence and prayer for the family, they're going home
48 from here to Manley, then Manley to Tanana by boat.

49

50 (Moment of Silence)

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1 CHAIRMAN NICHOLIA: Thank you guys.
2 Okay, we'll establish a quorum here and then we'll try to
3 move on to -- we're going to have kind of like a floating
4 agenda today because Western didn't have a quorum.

5
6 MS. WAGGONER: Okay, Craig Fleener. Jay
7 Stevens.

8
9 MR. STEVENS: Present.

10
11 MS. WAGGONER: Sue Entsminger. Jim
12 Wilde.

13
14 MR. WILDE: Here.

15
16 MS. WAGGONER: Tricia Waggoner. Here.
17 Gerald Nicholia.

18
19 CHAIRMAN NICHOLIA: Here.

20
21 MS. WAGGONER: Virgil Umphenour.

22
23 MR. UMPHENOUR: Here.

24
25 MS. WAGGONER: Quorum is established.

26
27 CHAIRMAN NICHOLIA: All right, thanks.

28
29 CHAIRMAN SAM: Yeah, just for the record,
30 the record will reflect present we have here Robert
31 Walker of Anvik, Angela Demientieff of Holy Cross,
32 Benedict Jones of Koyukuk and myself from the Western
33 Interior.

34
35 Thank you.

36
37 CHAIRMAN SAM: Yeah, you just heard all
38 my Council members and I'd like to move on to an
39 introduction of agency and Staff and honored guests or
40 whatever. Just go like around the room and introduce
41 yourselves.

42
43 MR. DeMATTEO: I'm Pete DeMatteo with the
44 Office of Subsistence Management out of Anchorage. I'm
45 the wildlife biologist for the Western and Eastern
46 Interior regions. And also for the purposes of this
47 meeting I'll be filling in for Vince Mathews who could
48 not be at this meeting so I'll be acting coordinator.

49
50 Thank you.

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1 MR. MIKE: Donald Mike, Office of
2 Subsistence Management. Eastern Interior Regional
3 Advisory Council coordinator.

4
5 MR. BERG: I'm Jerry Berg. I'm the
6 fisheries biologist for the Kuskokwim area out of the
7 Office of Subsistence Management.

8
9 MR. ROGERS: Randy Rogers, wildlife
10 planner for Department of Fish and Game here in
11 Fairbanks.

12
13 MR. RIVARD: Don Rivard. Division Chief,
14 Fish and Wildlife Service, Office of Subsistence
15 Management.

16
17 MR. CRAIG: I'm Tim Craig. I'm a
18 wildlife biologist for BLM in the Dalton Highway
19 Management Unit.

20
21 MR. McSWEENY: Ingrid McSweeny, BLM.

22
23 MS. WHEELER: Polly Wheeler, Fisheries
24 Information Service, Office of Subsistence Management.

25
26 MS. FOX: Peggy Fox, Office of
27 Subsistence Management. Deputy Assistant Regional
28 Director.

29
30 MR. KRON: Tom Kron, OSM. Fishery
31 biologist. I've also been helping to start up the
32 Partners Program.

33
34 MR. SMITH: Mike Smith, Tanana Chiefs
35 Conference. Director of Subsistence Resource Management.

36
37 MS. HILDEBRAND: Ida Hildebrand. BIA
38 Staff Committee member.

39
40 MS. SIMMONS: Rod Simmons, Fish and
41 Wildlife Service, Staff Committee member.

42
43 MR. CAMPBELL: Rod Campbell, Fish and
44 Game. Division of Commercial Fisheries.

45
46 MR. DENTON: I'm Jeff Denton. Wildlife
47 Biologist, Anchorage Field Office, BLM.

48
49 MR. FLIRIS: Bill Fliris, Copper River
50 Drainage Fishermen's Association.

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1 MS. ELKIN: Kimberly Elkin, fisheries
2 biologist Tanana Chiefs.

3

4 MS. DEMIENTIEFF: Clara Demientieff, RIT,
5 Nowitna Wildlife Refuge, McGrath.

6

7 MS. FRIEND: Connie Friend, RIT, Tetlin
8 Refuge.

9

10 MR. SHULTS: Robert Shults. Refuge
11 Manager, Kanuti Refuge.

12

13 MS. MALANOUSKI: Jodi Malanouski, Park
14 Ranger, Kanuti Refuge.

15

16 MR. RABINOWITCH: Sandy Rabinowitch,
17 National Park Service, Staff Committee to the Federal
18 Board.

19

20 MS. BRAZE: Audra Braze, Alaska
21 Department of Fish and Game, Commercial Fisheries here in
22 Fairbanks.

23

24 MR. VANIA: Tom Vania, Alaska Department
25 of Fish and Game, Commercial Fisheries down in Anchorage.

26

27 MR. SANDONE: Gene Sandone, Department of
28 Fish and Game, Comm Fish in Anchorage.

29

30 MR. BUE: Fred Bue, Department of Fish
31 and Game, Comm Fish here in Fairbanks.

32

33 MR. MADROS: Pat Madros, Jr., RIT with
34 the Koyukuk Refuge.

35

36 MR. BEYERSDORF: Jeff Beyersdorf with the
37 Koyukuk Nowitna Refuge. I'm a subsistence coordinator
38 based in Galena.

39

40 MR. HOLDER: Russ Holder, Fish and
41 Wildlife Service based in Fairbanks. In-season manager
42 for the Yukon River.

43

44 MR. WISWAR: David Wiswar, Fish and
45 Wildlife Service, fisheries biologist here in Fairbanks.

46

47 MR. HEUER: Ted Heuer, Refuge Manager,
48 Yukon Flats National Wildlife Refuge.

49

50 MR. NALALEN: I'm Roy Nalalen with Alaska

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1 Department of Fish and Game in Fairbanks. I'm the
2 management coordinator for Interior.

3

4 MS. BROWN: Wennona Brown. Refuge
5 subsistence coordinator for Yukon Flats, Kanuti, Arctic
6 National Wildlife Refuges.

7

8 MR. WILLIAMS: I'm Paul Williams, RIT.

9

10 MR. BOUDREAU: Toby Boudreau, Alaska
11 Department of Fish and Game, McGrath area biologist.

12

13 MS. PETRIVELLI: Pat Petrivelli,
14 anthropologist, Office of Subsistence Management.

15

16 MR. ZUREY: Stan Zurey, Yukon River
17 Drainage Fisheries Association, Tanana. I live in
18 Tanana.

19

20 CHAIRMAN NICHOLIA: All right, thank you.
21 Ron.

22

23 CHAIRMAN SAM: Yeah, thank you, Gerald.
24 Just for the Western Interior Council members, I had
25 asked Pete DeMatteo to look into a spare room some place
26 else in case we have to go to an evening session. We may
27 be looking at an evening session tonight or tomorrow to
28 go through the agenda. And I would also like to thank
29 Don Rivard and Pete DeMatteo for putting this meeting
30 together with short notice.

31

32 Thank you.

33

34 CHAIRMAN NICHOLIA: On the part that we
35 review of the joint meeting agenda is that we're just
36 going to have to have a floating one and I'll let Donald
37 take over from here.

38

39 MR. MIKE: Thank you, Mr. Chair. Donald
40 Mike, Office of Subsistence Management. On the agenda,
41 we neglected to include one more item and that would be
42 meeting locations and that could be under agency reports.

43

44 CHAIRMAN NICHOLIA: I noticed that we
45 didn't have introduction of Office of Subsistence
46 Management and Council member comments here.

47

48 MR. MIKE: Mr. Chair, we can do that,
49 Council member concerns, we can do that during our break
50 out sessions. I think that would be more useful for our

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1 time here.

2

3 The other -- we have to look at the
4 agenda for, on the fisheries proposals, Pat Petrivelli
5 from OSM needs to catch a plane and be out of here by
6 noon so under fisheries proposal, I think the Council
7 might want to look at moving her up as the first person
8 giving the Staff analysis on Fisheries Proposal 11 and
9 13.

10

11 Thank you, Mr. Chair.

12

13 CHAIRMAN NICHOLIA: Go ahead with it.

14

15 MR. MIKE: So are you adopting the agenda
16 with these added items?

17

18 CHAIRMAN NICHOLIA: Yeah, I think what I
19 mentioned earlier is that it's going to be a floating
20 agenda so why even adopt it.

21

22 MR. MIKE: Okay, so you want to go with
23 the fisheries proposal with Pat Petrivelli?

24

25 CHAIRMAN NICHOLIA: Yeah.

26

27 CHAIRMAN SAM: Yeah, I agree with Gerald,
28 a floating agenda, take it as it comes. We don't have
29 much choice since we're compressing two meetings into
30 one.

31

32 Thank you.

33

34 CHAIRMAN NICHOLIA: So Donald you said
35 you wanted to do a Proposal 11-13 first, right?

36

37 MR. MIKE: That's correct, Mr. Chair.

38

39 CHAIRMAN NICHOLIA: Okay, then do we got
40 the people here for that?

41

42 MR. MIKE: Yes, Pat Petrivelli's here to
43 present the Staff analysis.

44

45 MS. PETRIVELLI: Mr. Chairman, thank you
46 very much for making an exception. And the analysis is
47 -- my name is Pat Petrivelli. I am an anthropologist for
48 the Southcentral region and for the Kodiak/Aleutians.
49 The proposal analysis begins -- the actual analysis
50 begins on Page 61 but it deals with two proposals,

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1 Proposal 11 and Proposal 13.

2

3 Proposal 11 was submitted by the Board
4 and it dealt with adding the residents of the Delta
5 Junction area to the list of communities having a
6 customary and traditional use determination for salmon in
7 the Chitina subdistrict of the Copper River.

8

9 Proposal 13 was submitted by the Lake
10 Louise non-profit corporation, Gary Howard's their
11 executive director and it requested customary and
12 traditional use determination for salmon in the
13 Glennallen and Chitina subdistrict for the residents of
14 Lake Louise.

15

16 With Proposal 11, that resulted from
17 comments last year from Mr. Good who, during
18 consideration of adding communities to the Chitina
19 subdistrict, he asked that Delta Junction be added and
20 then the Board asked that it go through the regular
21 Council review process. So that's how this ended up
22 getting delayed to this year.

23

24 First George Sherrod did an analysis of
25 the Delta Junction area communities and I did the Copper
26 Basin communities. And then we realized to simply the
27 issue and deal with one, the use determinations we would
28 combine the proposals and then also we were asked to look
29 at all the potential users of this district -- or of the
30 salmon in these two districts. So the analysis took a
31 look at the different areas of use. So this proposal
32 analysis has been combined and we looked at use
33 theoretically of all the potential users of the Chitina
34 and Glennallen subdistricts in the Copper River.

35

36 The Federal waters involved are just the
37 mainstem of the Copper River and I apologize that there's
38 no maps, there's map references in the analysis but
39 there's no maps. But basically, the Chitina subdistrict
40 is the 10 mile branch from the Haley Creek to the Chitina
41 bridge. And then the Glennallen subdistrict is from the
42 Chitina bridge up to the Slana River. So it's just the
43 mainstem of the Copper River and that's what this would
44 deal with, this analysis.

45

46 In the communities with the existing
47 customary and traditional use determinations, in 1999
48 when Federal government assumed management of the
49 fisheries, at that time the State had a subsistence
50 fishery in the Glennallen district in a personal use

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1 fishery in the Chitina district. So those were the
2 regulations that we adopted. Since that time in December
3 of 2000, the State made the Chitina subdistrict
4 subsistence and then the Federal Subsistence Board added
5 communities to this Chitina subdistrict. So on Page 62,
6 has all the existing communities with customary and
7 traditional use determinations and so 25 communities and
8 areas have been added to the Chitina subdistrict. And
9 then for the Glennallen subdistrict, the determination
10 made in 1999 was the residents of the Prince William
11 Sound Management area. And since then the Federal
12 Subsistence Board added other communities and then those
13 are also listed. But they've added 12 communities and
14 areas to the Glennallen subdistrict which included some
15 communities from the Upper Tanana River drainage.

16
17 So more communities have been added since
18 1999.

19
20 In looking at potential users of these
21 two subdistricts, the data we had available were some
22 Fish and Game studies done in 1982 and 1987 for the
23 Copper River Basin. And then there was household surveys
24 done in 1987 of the Parks Highway Communities and then in
25 Nenana there was a household survey done in the 1980s.
26 But other than that the permit data from the historical
27 salmon harvest data base which lists all the permits and
28 use. And those are listed by communities only from 1988
29 to the present where we have it identified as community
30 breakdown. And on Page 64, there's a statement in there
31 where it says Fish and Wildlife harvest statistics
32 collected by ADF&G are available for all communities,
33 that should say are not available for all communities.

34
35 Because the paragraph goes on to notice
36 how there are small communities within the study area
37 that don't have separate mailing addresses. So such as
38 Lake Louise, there's no evidence of them obtaining
39 permits in the Chitina district because they get their
40 mail at Glennallen and there's a number of communities
41 and areas who don't have a separate post office so we
42 have no permit data for them at all. So in the sentences
43 after that statement go on to say that. So -- but it
44 should -- and it mentions all the residents that live
45 along the highway that get their mail at other places but
46 they're not truly members of the community. But those
47 were our sources of data. Those ADF&G household studies
48 and then also the permit data for those districts.

49 And.....

50

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1 In the communities -- in looking at the
2 ones who had shown some level of use who didn't have a
3 C&T, we lumped those areas into three groups. The Copper
4 River Basin communities, the Delta Junction area
5 communities and the Parks Highway. And those are
6 described in tables on -- in -- on 67 and then on 71.
7 For the Copper Basin, the communities that don't have
8 C&T, they're listed on 68, it's Lake Louise, Paxson,
9 Sourdough, Chickaloon and then there's the East Glenn
10 Highway area and the West Glenn Highway area and what
11 those are, are residents that live along the highway.
12 And then for the Delta Junction area, those are -- and
13 those are listed on Page 71 is Big Delta, Delta Junction,
14 Deltana, Dry Creek and then Ft. Greeley. And even though
15 they're listed here, all the data that -- they're only
16 listed here just to indicate that they're in that area
17 but they're not considered elsewhere -- where the Federal
18 Subsistence Board has made customary and traditional use
19 determinations for this area, we've excluded Ft. Greeley
20 resident because their residency in Ft. Greeley is of a
21 temporary nature so there's no evidence of them
22 establishing long term use of the resource. So the Ft.
23 Greeley residents are excluded from that Delta Junction
24 area.

25 For the Parks Highway area, the
26 communities are Mt. McKinley Village, Healy, Anderson,
27 Clear and Nenana. Nenana's the only traditional
28 community in there and then another note should be made
29 about McKinley Village, that is the residents of the
30 community outside the Park area. And so there's a few
31 places where it refers to McKinley Park but it's really
32 -- we're making reference in the ADF&G subsistence survey
33 included Mt. McKinley Village and the Park residents are
34 excluded because they're also of a temporary nature. The
35 data that we're making reference to are only residents of
36 McKinley Village.

37
38 So -- but basically in those three groups
39 of those three areas, the community characteristics, if
40 there could be said -- I'll start with the Copper River
41 Basin, Chickaloon is the only one that has a tribal
42 government and the -- in the Copper River Basin and the
43 rest are loosely incorporated as non-profit corporations
44 and they're small residents that are -- essentially they
45 came about as a result of transportation corridors or
46 recreational facilities mainly for Paxson and Sourdough
47 and, of course, west Glenn Highway and the East Glenn
48 Highway are the communities that live along the highway.
49 Chickaloon was -- has some traditional residents but also
50 has another non-profit community and -- that became

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1 established as a result of mining activities.

2

3 In the Big Delta Junction area -- or the
4 Delta Junction area communities, those, also have a
5 pattern of settlement in relation to the transportation
6 corridor between Fairbanks and Valdez and mining
7 activities and military activities. The same is true of
8 the Parks Highway communities except for Nenana. Nenana
9 is the only one with a traditional component.

10

11 So when we looked at other communities
12 that might have a potential use of the districts --
13 subdistricts, their use was minimal enough that these
14 were the only three areas considered to look at the eight
15 factors. So the rest of the analysis with the eight
16 factors just deals with these three areas.

17

18 And so in -- and the level of use of
19 salmon for these three areas, it's shown on Page 69 for
20 the Copper River Basin communities. The existing level
21 of use for salmon -- there's data relating to two types
22 of use. One is the number of households, the percentage
23 of households that use salmon and that's the third column
24 where it says percentage, household use. And for the
25 communities that -- consideration without C&T, from 64 to
26 87 percent of all the households use salmon as part of
27 their subsistence use of resources which falls in the
28 range of the communities with C&T. In the percentage of
29 salmon as part of their per capita usage -- because the
30 per capita pounds goes from 92 pounds a year of
31 subsistence resources up to 289 in Paxson, the percentage
32 that salmon makes of those per capita pounds ranges from
33 one percent in Lake Louise to 55 percent on the East
34 Glenn Highway. And that percentage of it being part of
35 their overall resource reflects the distance from the
36 Copper River. Because Lake Louise is -- well, is farther
37 away from the Copper River and also they have a
38 significant amount of freshwater fish resource but then
39 the East Glenn Highway area is the closest to the Copper
40 River and it reflects the same percentages up at the top
41 for those communities that are close to the Copper River.

42

43 That data for the other communities is
44 only available for the Parks Highway and that's on Page
45 72 and it shows the household percentage of use and also
46 the significance of salmon in those per capita uses.

47

48 For -- the only other factor -- well,
49 from the Delta Junction area on Page 74 is where we show
50 -- actually that's -- it shows with the Delta Junction

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1 area, just showing from permits, how much salmon that
2 they used for the past 10 years and I -- let's see, and
3 then in looking at the specific use tables six through
4 nine, shows Parks Highway communities with permit data.
5

6 And then for the -- but I'll go back to
7 just in factor four -- well, the data shows that these
8 three areas have used salmon but then specifically to the
9 Copper -- to the Chitina subdistrict and the Glennallen,
10 the data we had for the Copper River Basin, there was
11 mapping of use areas and those are listed on Page 75 and
12 then the permit data which is on Page 79, the only
13 communities that had permit data in the Copper River
14 Basin were Paxson and Chickaloon. And for comparison
15 purposes, the same permit data for the existing C&T
16 communities are up above in -- and -- and as I said
17 before, six through nine shows permit data for those --
18 for the other communities and then there's the Delta
19 Junction area.
20

21 Besides showing levels of use because --
22 well, because the numbers -- it's kind of -- I guess in
23 comparison in -- and because the analysis were combined,
24 what you have to go is for -- is by community harvests
25 and yearly averages for the Copper Basin and then for the
26 Parks Highway communities there is mean fish per permits
27 so there's different units of measures but what they do
28 show is people have used those fish to one degree or
29 another.
30

31 On Page 80, there's a table that shows
32 the distances from the Copper -- or the communities from
33 the Copper River Basin. We didn't do it for the Copper
34 Basin communities because they are in the Copper River
35 Basin part of the study. But for the Delta Junction area
36 communities, it ranges from 227 miles to 262 distance and
37 then the Parks Highway communities goes from 291 to 428
38 miles, which would relate to the efficient use of a
39 resource and the level of use and -- and so -- and then
40 the distance and -- and right below it is the table
41 showing the number of permits obtained by those two
42 areas, Delta Junction, on average has received 9.9
43 permits per residences and then Healy, Anderson and
44 Nenana have gotten between three -- well, actually from
45 zero to 4.4, if you include Mt. McKinley Village, 4.4
46 permits per 100 residents.
47

48 And essentially -- and then there's a
49 salmon harvested in Table 13 which ranges for Delta
50 Junction area, 182 salmon per 100 residents and then for

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1 the Parks Highway communities from zero to 167 salmon per
2 100 residents.

3

4 Basically in reviewing all this -- these
5 different sources of data even though they're uneven, a
6 recommendation was made but -- oh, but I guess before I
7 do the recommendation, Page 84 has the effects of the
8 proposal and in looking at the actual effects of the
9 proposal from the original proposal, for Proposal 11, to
10 add Delta Junction area it's -- that -- the effect of the
11 proposal is no biological impact is anticipated if the
12 proposal is adopted as written. The residents of the
13 Delta Junction area have a history of fishing in both the
14 Glennallen and Chitina subdistrict while under Federal
15 fishing subsistence regulations, fishwheels may be used
16 by the Chitina subdistrict, the terrain greatly limits
17 the use of this technology.

18

19 For Proposal 13, currently the customary
20 and traditional use determinations for salmon in the
21 Upper Copper River district include 25 communities and
22 areas for the Chitina subdistrict and 29 for the
23 Glennallen subdistrict. Adoption of the proposal
24 recognizing Lake Louise in these two subdistrict would
25 have minimal effect in -- and one thing that I -- oh, I
26 didn't cover, is the idea of this seasonally occupied --
27 but there are seasonally occupied homes in -- that was
28 discussed but an adoption of recognizing Lake Louise or
29 Paxson which has a high degree of seasonal occupation
30 would only recognize the residents who declare those
31 communities as their permanent place of residency. And
32 all the data in the analysis relates to those
33 communities, the ADF&G studies interviewed only the year-
34 round residents of those areas.

35

36 And also in looking at the Copper River
37 Basin, those additional communities and areas that were
38 recognized, if that proposal is adopted to add those
39 communities, the recommendation to add those as adopted,
40 Staff would recommend that the determination be made just
41 recognizing the residents of the Copper River Drainage
42 above Haley Creek. And that would minimize the number of
43 communities listed and recognize the communit -- the
44 residents of -- who -- the use of residents who live
45 along the road areas in between the named communities
46 that are listed in the various studies and analysis.

47

48 And those named communities are the
49 Copper River drainage above Haley Creek, that is listed
50 on Page 88 -- well, actually I have to apologize -- or --

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1 is most of the communities on Page 88, it would --
2 there's a few that would be left out here but there --
3 they're listed here in the -- on Page 84, the actual
4 communities that would be recognized, I think.

5
6 So if you have any questions, that
7 completes my analysis.

8
9 CHAIRMAN NICHOLIA: Yeah, I have a couple
10 questions here. This Proposal 13 -- if we -- it says
11 here, no action is required on Proposal 11 if we adopt
12 Proposal 13 and Proposal 13 was -- and it says Proposal
13 here was put on by the Federal Office of Subsistence
14 Management.

15
16 MS. PETRIVELLI: Uh-huh.

17
18 CHAIRMAN NICHOLIA: And this was a
19 request through Nat Good?

20
21 MS. PETRIVELLI: Well, 11 was by the
22 Office of Subsistence Management through a request by Nat
23 Good. And 13 was by Lake Louise. And actually if it's
24 -- if 13, as modified is adopted. And the recommendation
25 for 13 as modified is on Page 85.

26
27 CHAIRMAN NICHOLIA: Yeah, I see that. I
28 agree with that including the Delta Junction area,
29 excluding Ft. Greeley, I like that part right there.

30
31 MS. PETRIVELLI: Yeah. And I apologize
32 because I didn't read the Staff recommendation.

33
34 But for -- on Page 85 is the Staff
35 modification, recommended. And it would add Chickaloon,
36 Delta Junction area, Lake Louise, and then residents
37 along the Glenn Highway from Mile 90 to 137 to the
38 Chitina subdistrict and it would also make that
39 modification redescribing the communities.

40
41 And then for the Glennallen subdistrict,
42 it would add Chickaloon, Delta Junction area, excluding
43 Ft. Greeley, Lake Louise and residents that live along
44 the Glenn Highway to Mile -- from Mile 90 to 137 to the
45 Glennallen subdistrict.

46
47 And the justification is below. And the
48 Parks Highway Communities were left out due to their
49 distance from the subdistricts, due to their lower levels
50 of use of salmon in those districts. So the evidence of

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1 use of those two subdistricts - -so we recommended not
2 including Parks Highway communities in the customary and
3 traditional use determinations.

4

5 I apologize for not finishing.

6

7 CHAIRMAN NICHOLIA: Okay, yeah, this
8 ain't going to have no more adverse affect on the
9 resource that it already is it?

10

11 MS. PETRIVELLI: At this time because the
12 uses are occurring under State permits anyway, so there
13 was no biological impact anticipated to make these
14 customary and traditional use determinations now.

15

16 CHAIRMAN NICHOLIA: Does my Council have
17 any questions. Go ahead, Virgil.

18

19 MR. UMPHENOUR: Who made the decision to
20 exclude the Parks Highway communities in this
21 recommendation?

22

23 MS. PETRIVELLI: As Staff analysis, we
24 made that recommendation looking at the data and the
25 distances from the highway. So that's our recommendation
26 at this time. And it's just the Staff recommendation,
27 it's the preliminary Staff conclusion. Based upon.....

28

29 MR. UMPHENOUR: Well, I would move that
30 we include them in the determination.

31

32 CHAIRMAN NICHOLIA: Before we do
33 anything, I'd like to hear something from the State, if
34 the State Department is here.

35

36 MR. CAMPBELL: Yes, Mr. Chairman, Council
37 members. For the record my name is Rod Campbell, Alaska
38 Department of Fish and Game, Division of Commercial
39 Fisheries. I was hoping there would be someone here from
40 our Subsistence Division but there isn't.

41

42 In your booklet on Page 90 it does have
43 ADF&G Staff comments and basically those deferred our
44 comments until we had a little bit more time for the
45 Subsistence Division to review these. However, the
46 Subsistence Division did provide just a couple of -- a
47 little bit of information I'd like to present now I'd
48 just mention for the record if that's okay.

49

50 CHAIRMAN NICHOLIA: Yeah, go ahead.

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1 MR. CAMPBELL: The Subsistence Division
2 noted that on Page -- I believe it's Page 61 in this
3 analysis. Fish and Game does disagree with the statement
4 by Mr. Good that the Richardson Highway once the Valdez
5 Trail has connected Delta Junction to the Chitina area
6 for almost 100 years. As I said Fish and Game does
7 disagree with that statement. Chitina was not on the
8 Fairbanks to Valdez trail and it is not the Richardson
9 Highway as far as that's our understanding of that.

10
11 Also one other note said, although that
12 dipnetting in the area by a few people from the Fairbanks
13 or Delta Junction -- or Fairbanks area, excuse me, dates
14 back to the 1940s we have not found any evidence of 100
15 years of use of the Chitina area by Delta Junction
16 residents. It's our belief that this is mostly a product
17 of the last 30 years.

18
19 And just as a general statement and I
20 believe that Pat has incorporated that in the Staff
21 recommendations, the State does support an area versus
22 community approach to the C&T determinations. It's our
23 feelings that this does avoid or at least try to minimize
24 leaving islands or kind of a checkerboard pattern where
25 there's areas of ineligible users within an area. And
26 like I said, I believe that that was incorporated in the
27 Staff recommendation.

28
29 That's all I have unless there's someone
30 else from the Subsistence Division that would like to add
31 something, Mr. Chairman.

32
33 CHAIRMAN NICHOLIA: Yeah, Pat. What he
34 just he mentioned, was that incorporated?

35
36 MS. PETRIVELLI: Well, through the use of
37 the Copper River drainage concept and then also the idea
38 of the Delta Junction area.

39
40 CHAIRMAN NICHOLIA: And if we do what
41 Virgil intended to do, would including the Parks Highway
42 put anymore weight or burdens or over use on this Copper
43 River/Chitina River area?

44
45 MS. PETRIVELLI: I guess -- well, as an
46 anthropologist with the -- making C&T determinations --
47 well, because of existing -- it's based upon past use,
48 but the biological impact is difficult to assess because
49 as they -- they could harvest salmon under State
50 regulations and they have been harvesting salmon under

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1 State regulations.

2

3 So -- but -- and I guess -- oh, when --

4 with the customary and traditional use determinations --

5 the comments on Page 86 just say -- as far as the Parks

6 Highway communities going -- or is concerned -- in

7 looking at the eight factors involved in making

8 determinations, it says that while -- it shows that

9 they've had a consistent pattern of use of Copper River

10 salmon, the idea of reasonably accessible might be

11 questionable and I guess that's where you would have your

12 comment and then the idea of community level of

13 participation, but biological impact, I -- I don't think

14 there's -- there would be any since they would also be

15 able to harvest under State regulations.

16

17 MR. WILDE: Mr. Chairman, we have a

18 motion on the floor and I'd like to second that so it can

19 be discussed.

20

21 MR. MIKE: Mr. Chair, I think it's

22 premature to go through final Council deliberations. We

23 still have tribal governments and other agency comments,

24 Fish and Game Advisory Committee comments and summary of

25 written public comments, public testimony and the final

26 item would be Council deliberations.

27

28 Thank you, Mr. Chair.

29

30 CHAIRMAN NICHOLIA: Yeah, I'd like to

31 follow that format. I'd like to listen to all the

32 information before I make a decision on anything.

33 Because it's -- I just don't like to -- one thing that

34 I'd like to mention here now is what that State person

35 mentioned is that I don't like to create little islands

36 of C&T use for one community when it excludes another

37 community. We went into too much heavy discussions two

38 years ago on this C&T determinations and I'd like to just

39 hear all the information, if possible.

40

41 MR. UMPHENOUR: I'll withdraw my motion

42 until after all the -- until the appropriate time on the

43 agenda.

44

45 MR. WILDE: Withdraw.

46

47 MR. MIKE: Mr. Chair.

48

49 CHAIRMAN NICHOLIA: Go ahead, Donald.

50

00018

1 MR. MIKE: Proposal review and procedure
2 calls for tribal government and other agency comments.

3

4 CHAIRMAN NICHOLIA: Is there anyone from
5 TCC or tribal governments who want to make a comment on
6 this Proposal 11 and 13?

7

8 MR. SMITH: My name is Mike Smith, Tanana
9 Chiefs Conference.

10

11 In regards to this proposal, I mean it
12 goes to a general concern we have as to the extension of
13 C&T and customary and traditional use determinations,
14 that those determinations might be getting watered down a
15 little bit and that we need to be relatively careful on
16 extending those determinations to communities that may or
17 may not have met the standards and we're not real sure
18 that these communities have met those standards yet.

19

20 CHAIRMAN NICHOLIA: Excuse me, do you
21 have any back up information other than what you
22 mentioned?

23

24 MR. SMITH: No, sir, we don't have
25 nothing written right now on this although we could
26 certainly develop a position paper on it. We weren't
27 really anticipating getting too heavily involved in this
28 right now. But we could certainly generate a position
29 paper on it and submit it to the Council.

30

31 CHAIRMAN NICHOLIA: So clearly, what is
32 TCC's position today, oppose this proposal or do they
33 support it or are they neutral?

34

35 MR. SMITH: Right now we would -- we
36 generally oppose it because we don't think the
37 determinations have been met in regards to the C&T
38 determinations.

39

40 CHAIRMAN NICHOLIA: Go ahead Virgil.

41

42 MR. UMPHENOUR: Thank you. I don't know
43 whether Tanana Chiefs has considered this or not but they
44 might consider that the fish stocks in the Yukon River
45 have been severely depressed in recent times and that the
46 people that live in Nenana, of which, a large number of
47 them are members of Tanana Chiefs may not get to go
48 subsistence fishing in Nenana however, they can go
49 subsistence fishing in Chitina and a number of them, in
50 deed, do that anyway. And so to me, I think maybe Tanana

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1 Chiefs ought to consider that fact.

2

3 Have you considered that fact, Tanana
4 Chiefs?

5

6 MR. SMITH: Yeah, Virgil, we have. And
7 we think that a majority of the subsistence fish that get
8 caught out of Nenana are done in the local areas. That
9 the few people who do go down to Chitina can certainly
10 avail themselves of that resource per the State permit
11 requirements.

12

13 MR. UMPHENOUR: Thank you.

14

15 CHAIRMAN NICHOLIA: If there's no more
16 comments from tribal governments, entities, we'll move
17 on. Ida, you want to say something?

18

19 MS. HILDEBRAND: Thank you, Mr. Chairman.
20 Ida Hildebrand, BIA Staff Committee member.

21

22 For your information, I believe the
23 Southcentral Council voted these proposals down stating
24 that they did not meet the eight criteria to establish
25 C&T for these communities. But you might request
26 clarification from someone who was there.

27

28 Thank you.

29

30 MR. MIKE: Mr. Chair, thank you. Just
31 for the record, when we have speakers, please state your
32 name and your agency you represent. Thank you.

33

34 CHAIRMAN NICHOLIA: What was that Donald?

35

36 MR. MIKE: When we have people coming up
37 to the mike, please state your name and agency you
38 represent. Thanks.

39

40 MS. FRIEND: Mr. Chairman. I'm Connie
41 Friend with Tetlin Wildlife Refuge. I attended the
42 Subsistence Resource Commission meeting in Tok the 25th
43 and 26th of September. I know that they opposed the
44 addition of Delta Junction for reasons that have been
45 stated, that they didn't feel that they had enough
46 evidence of C&T but I believe that they wanted to include
47 people along the highway who were nearer to Glennallen
48 and I believe Chickaloon but I can't say definitively.

49

50 That was their position to the best of my

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1 knowledge.

2

3 CHAIRMAN NICHOLIA: Go ahead, Virgil.

4

5 MR. UMPHENOUR: Did they consider that a
6 commercial fishery of which about 45 percent of the
7 people don't even live in this state harvest in excess of
8 a million of those fish a year?

9

10 MS. FRIEND: I can't speak for them. We
11 were discussing the three percent for subsistence and
12 that was their comments, their position.

13

14 MR. UMPHENOUR: So you don't know whether
15 they even considered that in their deliberations or not?

16

17 MS. FRIEND: (Shakes head negatively)

18

19 MR. UMPHENOUR: Was it even brought to
20 their attention in a Staff report?

21

22 MS. FRIEND: They were deliberating on
23 subsistence and I don't believe -- I don't remember their
24 saying anything about the commercial fisheries. It
25 wasn't about commercial fisheries at that point.

26

27 MR. UMPHENOUR: Thank you. Mr. Chair.

28

29 CHAIRMAN NICHOLIA: You know, since this
30 Federal system, the Office of Subsistence Management only
31 has control over subsistence fisheries within Federally-
32 controlled waters, they don't have control over sport or
33 commercial, just the State does. We could make
34 recommendations and support their positions and stuff but
35 we can't really do anything within the sport or
36 commercial fisheries arena from our perspective. So I
37 wanted to put that straight out.

38

39 What's next Donald?

40

41 MR. MIKE: Mr. Chair, I handed out an
42 orange colored folder and in it on the top is the
43 Wrangell-St. Elias Subsistence Resource Commission
44 recommendation for Proposal 11 and 13.

45

46 For Proposal 13, the Subsistence Resource
47 Commission Wrangell-St. Elias National Park, their
48 recommendation is to revise C&T use determinations for
49 salmon in the Chitina subdistrict of the Upper Copper
50 River district to include the residents of the Cooper

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1 River drainage above Haley Creek, Chickaloon, Delta
2 Junction area excluding Ft. Greeley, Lake Louise, Mile 90
3 to Mile 137.

4

5 The Wrangell-St. Elias Subsistence
6 Resource Commission opposes this proposal on the basis
7 that the proposal does not adequately consider which
8 communities are truly local to resources in
9 consideration. We recognize that many Alaskans use the
10 Chitina subdistrict fisheries as State users and the
11 communities listed in the proposal can still exercise
12 that opportunity.

13

14 The SRC strongly feels that it is
15 important to be careful in expanding C&T and granting the
16 Federal subsistence priority. The SRC also feels that
17 the communities involved need to be consulted.

18

19 Thank you, Mr. Chair.

20

21 Mr. Chair, there was no summary of
22 written public comments received for Proposals 11 or 13.

23

24 MS. PETRIVELLI: And Mr. Chair, the
25 Southcentral Council did move to -- or vote to oppose
26 these proposals. So that's just to echo what Ida said.

27

28 CHAIRMAN NICHOLIA: Yeah, I passed
29 through Delta before and we had meetings there and stuff
30 and I'm kind of like -- I don't like to exclude people
31 but I'd like them to have come up with more evidence to
32 me, more use determinations that they could prove, you
33 know, to say that they had been there a hundred years or
34 something. And then it comes from the Office of
35 Subsistence Management and they're kind of always doing
36 this to us.

37

38 I don't really like to include -- I don't
39 really like to give another opportunity to -- like what I
40 consider, Delta, as a non-rural area to my point of view.
41 It may not be to my Councils but that's my point of view
42 from just living there -- or I mean just being there and
43 having the meetings there and stuff. I'll leave it up to
44 my Council but I'm going to oppose this Proposal 13 and
45 11 from my perspective.

46

47 Because it's going to put another use --
48 even if the Office of Subsistence Management says that
49 it's not going to burden the other users, like in the
50 Copper River drainage, it does. It may just -- they do

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1 studies out of these offices at Fairbanks and Anchorage
2 but they have to go out there and actually live, the
3 person that really does the subsistence living in the
4 rural area.

5
6 It's time to move something.

7
8 MR. UMPHENOUR: Yeah, I don't know where
9 we are exactly in the agenda. But the way I feel about
10 this, beings you've stated your feeling, I would be in
11 favor of this and there's a number of reasons for it.

12
13 I know that the body that we're sitting
14 on here, we can't make any regulations except for -- or
15 recommendations to the Federal Subsistence Board except
16 for Federal subsistence users. But you have to look at
17 the total use of the fish, the total number of fish
18 harvested, that means the number of fish that get killed
19 by humans. And when you look at the total number of fish
20 that get killed by humans it's a gigantic amount and the
21 majority of them are killed by a commercial fishery.

22
23 The purpose for subsistence regulations
24 in the first place is to give the subsistence user
25 priority over all other users because they're the people
26 that depend on those fish for personal and family
27 consumption, primarily. And the fish we're talking about
28 are primarily sockeye salmon. There's no place in the
29 Interior where you can get a sockeye salmon other than
30 the Copper River unless you want to go all the way down
31 to the Kenai River. That's the only other place in the
32 state that any resident of the Interior can go get a
33 sockeye salmon to eat.

34
35 There's been a number of times in recent
36 times where the Yukon River drainage subsistence
37 fisheries have been restricted or closed. When these
38 fisheries are restricted or closed, the only other option
39 for personal and family consumption for all the people of
40 the Interior, whether they're a Federally-qualified
41 subsistence user or not is the Chitina fishery. And so
42 to not pass this is telling the people who live in Nenana
43 and Delta Junction and every place else these two
44 proposals would cover is that, you people aren't as good
45 as those guys that live in Bellingham, Washington that
46 come up and catch over a million fish a year after the
47 Copper River, they have priority over you. To me that's
48 what it's saying when you reject this proposal. So I am
49 definitely in favor of the proposal because the
50 subsistence law states that subsistence users have

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1 priority over commercial users and so, therefore, I'm in
2 favor of it because the commercial users do harvest, on
3 average, over a million sockeye salmon a year and when
4 you combine that with the coho salmon and the king
5 salmon, 50, 60,000 king salmon a year down there where
6 under the State rules, the subsistence only gets one king
7 salmon for his whole family a year -- under the
8 subsistence rules for the Federal Board they get more.
9 But I'm not about to ever give a commercial fishery
10 priority over subsistence fishery no matter what.

11

12 That's how I feel about it.

13

14 Thank you.

15

16 CHAIRMAN NICHOLIA: Donald.

17

18 MR. MIKE: Mr. Chair, we did not receive
19 any public testimony forms. The next item on the
20 proposal review and procedure is the Council
21 deliberation, recommendation and justification on
22 Proposals 11 and 13.

23

24 MS. WAGGONER: Yeah, I spoke with Chuck
25 Miller last week who sits on the Wrangell-St. Elias
26 Resource Commission. Personally my first input was,
27 yeah, to approve it the way it stood. It affects my
28 family that live in -- my portion of the family that
29 lives in Delta Junction who utilize the resource.

30

31 But after talking with Mr. Miller and
32 looking at making a C&T determination for subsistence,
33 especially in times of shortage, the way the proposal's
34 written it would encompass a huge geographic area. It
35 would encompass very recent immigration, immigrants to
36 the region that have only been here for the last three or
37 four years.

38

39 And as we discussed last week, if the
40 resource is at a point where subsistence priority, you
41 know, where you shut down commercial and only residents
42 with C&T determination could be fishing on the Chitina
43 River for salmon, then individual communities or
44 individual people would be able to obtain C&T at that
45 point in time. But giving broad sweeping geographic C&T
46 determination for Chitina salmon is, you know, in his
47 point of view and changing my point of view, would be too
48 broad of a sweep and therefore I am opposing the proposal
49 as written.

50

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1 CHAIRMAN NICHOLIA: Go ahead, Virg.

2

3 MR. UMPHENOUR: Thank you. C&T findings
4 are made on the fish stock they're not made on the people
5 harvesting the fish stock. It's made on the community
6 and the area that the people live in and whether those
7 stocks have been used by the people in that area for
8 multi-generations. And these areas, such as Nenana,
9 Delta, any of them, all fall in that category. They go
10 back to the turn of the century with the gold rush when
11 White men first came here and the whole Copper River was
12 actually in famine because of the Carlile Packing
13 Company's commercial fishing operation down at the mouth
14 of the Copper River. There was a high degree of famine
15 in the Copper River Basin because they caught too many
16 fish and a lot of people starved to death.

17

18 But anyway, the determination -- the
19 demographing of the people as far as how long they've
20 lived there, that is not to be used in the determination
21 of whether you have a positive C&T finding or not, it's
22 the use of the stocks by the people in the area.

23

24 If you look at number 1, long term
25 consistent pattern of use excluding interruptions beyond
26 the control of the community or area, you're talking
27 about the community, the area, you're not talking about
28 some people that just recently moved to the area. To
29 penalize the people that have lived there all their life
30 for multi-generations because a few people moved from
31 California or wherever they come from to the area is not
32 in keeping with the spirit of the criteria.

33

34 Thank you.

35

36 CHAIRMAN NICHOLIA: Yeah, I think this
37 thing right here, is a long term consistent pattern and
38 use by who and control in what area? Consistent pattern
39 use, the area can't use the -- the area can't use the
40 area, the people use the area.

41

42 MS. WAGGONER: I think what we need to
43 look at, though, in making C&T, is that, we need to
44 provide that protection of the subsistence resource for
45 the people that have been there and if it means limiting
46 it to smaller communities and providing a checkerboard
47 area then, you know, that's the way we need to look at it
48 or individual C&T determinations. But making broad,
49 sweeping geographical areas, I don't think is in the
50 spirit of providing a subsistence priority to the

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1 residents that have the customary and traditional use of
2 the resource.

3

4 CHAIRMAN NICHOLIA: Another thing, too,
5 is that all the fish in Alaska are going to disappear. I
6 mean we just got to face the fact that if we make a broad
7 sweeping area just in this Copper River, it's going to
8 end up like the Yukon and there's just no question about
9 that. So that's why I'm really opposing this.

10

11 MR. UMPHENOUR: When I look at this
12 proposal, the only thing the proposal is doing is
13 including some other communities. And you take the Parks
14 Highway communities, for instance, if someone made a
15 determination that it's too far away, it depends on the
16 individual as to whether it's too far away or not and it
17 depends on whether they wanted to eat salmon or not.

18

19 But I think some people are forgetting
20 that what this -- the effect of this is. In times of
21 shortage, what this is saying, is in times of shortage
22 then the highest allocation goes to the subsistence user.
23 If there's no shortage then there's no problem. But when
24 there is a shortage, the allocation would go to the
25 subsistence user, not the commercial fisherman.

26

27 And unless you can visualize how many
28 fish these commercial fishermen are catching and they're
29 catching them to make money, to sell them. I can
30 remember the Chairman of the Copper River Advisory
31 Committee saying at a Board of Fisheries meeting one
32 time, if the people in Fairbanks or Palmer or Anchorage
33 want Copper River salmon they can go buy it in the
34 grocery store at \$10 per pound, they don't need to be
35 able to go down and catch one themselves for their family
36 to eat.

37

38 Now, to me, what you're saying if you
39 reject this is, fine, people that live in Nenana can go
40 to Safeway and they can pay 9.99 a pound for a Copper
41 River salmon that some guy from California or Washington
42 caught. That's what you're saying to me.

43

44 But I am definitely in favor of this
45 proposal.

46

47 Thank you.

48

49 CHAIRMAN NICHOLIA: Ida.

50

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1 MS. HILDEBRAND: Thank you, Mr. Chairman.
2 I ask for a waiver of the rules for a moment, I know
3 you're in Council deliberations. But I would like to
4 clarify that part of the reasoning in Southcentral was if
5 when the Federal government doesn't give C&T everyone is
6 eligible, that -- unless there's a restriction.
7 Therefore, under the current law those people that Virgil
8 are speaking about can still fish under the State law.

9
10 Thank you, Mr. Chairman.

11
12 CHAIRMAN NICHOLIA: Yeah. What I'm
13 afraid of is if we do this there are going to be two
14 avenues -- we're going to create two avenues for non-
15 subsistence people to go out there and have two avenues
16 where a truly subsistence person doesn't really have
17 those two avenues because of their location right by the
18 river. And if we make a board sweeping area, we're going
19 to create more hardship for that little subsistence user
20 by the river by all this big broad sweep of an area.
21 That's what I don't want.

22
23 We're here to protect that little guy and
24 not to help the big guy.

25
26 MS. WAGGONER: I think partly, too, here
27 is that Nenana was not added in this and I would wholly
28 support adding Nenana but I am still in disagreement with
29 adding the Delta Junction area and I think maybe it would
30 be best for the Staff or the affected communities to look
31 within their own communities and revise it as to the
32 residents that would be eligible.

33
34 CHAIRMAN NICHOLIA: So what you're asking
35 for is a deferral?

36
37 MS. WAGGONER: Yeah. I think it needs
38 more analysis. I would like to see maybe a more
39 comprehensive analysis of the use data. You know,
40 because long term pattern of use but quite a bit of the
41 data is only in the last 10 to 15 years and if we could
42 get some more, maybe traditional, historical knowledge of
43 the use pattern of the Chitina district would help to
44 provide some better information.

45
46 CHAIRMAN NICHOLIA: Yeah, I would like to
47 see more information on this just like for the Delta
48 Junction -- I don't like to exclude areas but I don't
49 like to make a decision where I'm going to have to come
50 back on it in the next two years and find out that I did

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1 the wrong thing. I already experienced that and I don't
2 like to make a broad sweeping deal, where we did that
3 before, me and Craig Fleener, where it backfired on ius
4 and I don't like that.

5

6 Go ahead, Virg.

7

8 MR. UMPHENOUR: Thank you. I have looked
9 at this, extremely extensively. And I know that the
10 records go back to statehood. And I know that in -- I
11 believe 1961, I could be a little bit wrong and Ms.
12 Wheeler in the audience can maybe correct me if I'm
13 wrong, but I know that I think in 1961 there was just shy
14 of 800 people that went down to Chitina subsistence
15 fishing, this is in 1961 that were from the Fairbanks,
16 Delta and Nenana area. I know that was in Dr. Falls
17 report to the Board of Fisheries three years ago. And
18 she can correct me if I'm wrong, I might be off by 20
19 people or so. But the records go back -- and actually
20 counting people, too, I think 1961 -- however -- and part
21 of it's in this report, the records go back to around
22 1910 is when the fishwheel was brought there by some gold
23 miner.

24

25 And so this has already been done,
26 there's no sense in inventing the wheel. You either
27 decide. The question before us is do we think that the
28 commercial fishermen, of which 45 percent of them are not
29 even residents of this state have priority over
30 harvesting fish in the Copper River over the people that
31 live in Delta and Nenana and these other places. That's
32 the question before us in times of shortage.

33

34 To me, there's no question about it.
35 Those people that live in Delta Junction or Nenana and I
36 know Nenana got thrown out but they, to me, should have a
37 higher priority than a commercial fisherman from
38 Bellingham, Washington. That's a simple question to me.

39

40 We're not going to put more pressure on
41 the resource. The only time this would ever be used to
42 allocate would be in times of shortage. And if times of
43 shortage come then, I don't think that fishermen from
44 Bellingham, Washington should have priority over someone
45 catching a fish to feed his children that lives in either
46 Nenana or Delta Junction.

47

48 Thank you.

49

50 I might ask, maybe we could ask Ms.

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1 Wheeler that's sitting in the audience who works for the
2 Office of Subsistence Management if, what I just got
3 through saying is halfway close to correct.

4

5 MS. WHEELER: Thank you, Mr. Chair.
6 Polly Wheeler, Office of Subsistence Management. I think
7 it's probably halfway correct.

8

9 It's -- if my memory serves which is
10 sometimes questionable, but if my memory serves then the
11 figures that you mentioned are correct or were in Dr.
12 Fall's report.

13

14 MR. UMPHENOUR: I'll call the question.

15

16 CHAIRMAN NICHOLIA: How can you call the
17 question when you withdrew your motion?

18

19 MR. UMPHENOUR: I move to add the Parks
20 Highway communities, including Nenana back in the
21 proposal.

22

23 CHAIRMAN NICHOLIA: Is there a second.
24 You could either vote this up or down, but we need a
25 second to get this up.....

26

27 MS. WAGGONER: Second.

28

29 CHAIRMAN NICHOLIA: Questions.

30

31 MR. UMPHENOUR: I don't believe these
32 people are second class citizens and I'm in favor of my
33 amendment.

34

35 Thank you.

36

37 CHAIRMAN NICHOLIA: Okay, Donald, I'd
38 like a roll call vote on this.

39

40 MR. MIKE: Thank you, Mr. Chair. I'm
41 sorry, I missed the original motion, can someone restate
42 it, please?

43

44 MR. UMPHENOUR: The motion is to add the
45 Parks Highway communities back into the proposal which
46 would be Nenana, those places down -- between there and
47 Cantwell.

48

49 MR. MIKE: Thank you. This will be a
50 roll call vote. Virgil.

00029

1 MR. UMPHENOUR: Yes.

2

3 MR. MIKE: Jim Wilde.

4

5 MR. WILDE: No.

6

7 MR. MIKE: Jay Stevens.

8

9 MR. STEVENS: I'll oppose.

10

11 MR. MIKE: Tricia Waggoner.

12

13 MS. WAGGONER: Oppose.

14

15 MR. MIKE: Gerald Nicholia.

16

17 CHAIRMAN NICHOLIA: Oppose for the
18 reasons I stated earlier.

19

20 MR. MIKE: Thank you, Mr. Chair. There's
21 one yes and four no's.

22

23 CHAIRMAN NICHOLIA: Motion doesn't carry.

24

25 MS. WAGGONER: I move to adopt.....

26

27 CHAIRMAN NICHOLIA: So we're done with
28 this 13 and 11, right?

29

30 MS. WAGGONER: No. No, that was the
31 amendment.

32

33 CHAIRMAN NICHOLIA: That was an
34 amendment, right. Okay.

35

36 MS. WAGGONER: I move to adopt Proposal
37 11 and 13 as amended.

38

39 MR. UMPHENOUR: Second.

40

41 CHAIRMAN NICHOLIA: Okay, Donald do
42 another roll call vote. It's been seconded. Roll call.

43

44 MR. MIKE: There's a motion to adopt the
45 proposal as amended. Virgil.

46

47 MR. UMPHENOUR: Yes.

48

49 MR. MIKE: Jim.

50

00030

1 MR. WILDE: Yes.

2

3 MR. MIKE: Jay.

4

5 MR. STEVENS: Yes.

6

7 MR. MIKE: Tricia.

8

9 MS. WAGGONER: Oppose.

10

11 MR. MIKE: Gerald.

12

13 CHAIRMAN NICHOLIA: I oppose.

14

15 MR. MIKE: Mr. Chair, you have three yes
16 votes and three no's -- or two no's.

17

18 CHAIRMAN NICHOLIA: I'd like to state for
19 the record that I opposed it.

20

21 MR. MIKE: Mr. Chair, the first motion
22 was to add the Parks Highway -- residents of the Parks
23 Highway, was that the original motion.

24

25 CHAIRMAN NICHOLIA: No, that was the
26 amendment to the motion.

27

28 MR. MIKE: Amendment to the motion, okay.

29

30 MS. WAGGONER: Donald.

31

32 MR. MIKE: Yes.

33

34 MS. WAGGONER: The first motion was to
35 add the Parks Highway communities and that was shot down.
36 The second motion that I made was to adopt Proposals 11
37 and 13 as written.

38

39 MS. PETRIVELLI: The Staff -- as amended.

40

41 MS. WAGGONER: Oh, I'm sorry, as amended
42 by OSM in their recommendations.

43

44 MS. PETRIVELLI: Yeah. So is that what
45 was adopted, the recommendation on Page 85?

46

47 MS. WAGGONER: (Nods affirmatively)

48

49 MS. PETRIVELLI: So maybe you should
50 clarify that.

00031

1 MS. WAGGONER: Okay. My motion was to
2 adopt Proposals 11 and 13 as amended on Page 85 for the
3 residents -- to give C&T for the residents of Copper
4 River above Haley Creek also adding Chickaloon, Delta
5 Junction and Lake Louise and the Parks Highway from Mile
6 90 to Mile 137 and then going down, Delta Junction, the
7 same thing for the Glennallen district and that was what
8 my motion was for, was for that amended proposals.

9

10 CHAIRMAN NICHOLIA: Go ahead, Don.

11

12 MR. RIVARD: Don Rivard, Office of
13 Subsistence Management. I just wanted to, for
14 clarification sake, as you'll see on the top of Page 85,
15 under the preliminary conclusion, the Staff is
16 recommending support Proposal 13 with the modification
17 and at the end of the -- the next sentence after that
18 long paragraph, if you do adopt 13 per above then no
19 action is required on 11. And with your motion, Tricia,
20 you said both 11 and 13. So it's one or the other, it
21 would not be both.

22

23 Does that clarify things a little bit?

24

25 MS. WAGGONER: (Nods affirmatively)

26

27 MR. RIVARD: Okay.

28

29 CHAIRMAN NICHOLIA: We may need a little
30 clarification here. It says -- we thought we were going
31 to vote on 13 or 11 or -- we'll just rescind what we did
32 earlier. Go ahead.

33

34 MR. UMPHENOUR: I don't know who answers
35 the procedure questions here but the way I look at it and
36 the way her motion was was to vote on 11 and 13 as
37 amended. However, taking -- I had already read this this
38 morning so I fully understood what we were doing. To me
39 it seems like the motion we made and that we voted on is
40 an appropriate motion. Because even though you have a no
41 action is required on 11 if 13 is adopted, it doesn't
42 seem to me like it makes any difference one way or the
43 other.

44

45 Can someone answer that question? Do we
46 have a Department of Law type person or someone here?

47

48 MS. PETRIVELLI: I'll have to admit I
49 can't answer the question. But maybe you could revote
50 and if you could decide if you accept the Staff

00032

1 modification and then you could just clearly say that,
2 yes, you accept the Staff modification and that's what
3 you're voting on. Whether it's 11 or 13, I don't think
4 it really matters. Would that be true.

5

6 It would just be -- because the Staff
7 modification doesn't -- 11 asks for C&T for residents of
8 the Delta Junction area, 13 asks for C&T for Lake Louise,
9 for the various subdistricts. The Staff modification,
10 and if we could be -- we could say, as the proposal is
11 modified on Page 85 and then we would clearly -- as it
12 would read -- and then you could revote and say, as
13 modified -- or the modified language on Page 85 and
14 whether you want to say 11 or 13 then we would know
15 clearly that that was the modification you were referring
16 to.

17

18 So if you would vote over again we would
19 know one way or the other.

20

21 CHAIRMAN NICHOLIA: Tricia, do you want
22 to vote over?

23

24 MR. MIKE: Mr. Chair.

25

26 CHAIRMAN NICHOLIA: Go ahead, Donald.

27

28 MR. MIKE: Before we get any further, I'd
29 like to get some parliamentary procedures clarified.
30 Maybe I could ask the assistance of Ida on the first two
31 motions that were voted on and see where we can go from
32 there after we get a clarification.

33

34 MS. HILDEBRAND: Mr. Chairman. Ida
35 Hildebrand, BIA Staff Committee member. The intent of
36 the motion was to, I believe to defeat the motion but
37 that wasn't stated. And to go back to a vote that you've
38 already cast would require a motion for reconsider on
39 your vote on 11 and 13. And when anybody makes a motion,
40 please state your intent.

41

42 For instance, I make a motion to support
43 X, Y, Z and my motion is, when I'm through stating my
44 motion then I state to you, that I intend -- or if
45 there's a second, then I state that I intend to vote
46 against the motion or I intend to support the motion and
47 my reasons for it.

48

49 Thank you, Mr. Chairman.

50

00033

1 MS. WAGGONER: I move to reconsider the
2 vote on the motion to enable to clarify the motion.

3

4 MR. STEVENS: Second.

5

6 MS. WAGGONER: Question.

7

8 CHAIRMAN NICHOLIA: It's been moved,
9 seconded and question. All those in favor signify by
10 saying aye.

11

12 IN UNISON: Aye.

13

14 CHAIRMAN NICHOLIA: Those opposed same
15 sign.

16

17 (No opposing votes)

18

19 CHAIRMAN NICHOLIA: Okay, it's back on
20 for reconsideration.

21

22 MS. WAGGONER: Okay, thank you, Ida for
23 your help there.

24

25 Okay, so revising the motion regarding
26 Proposals 11 and 13. Okay, looking at 13 as adopted --
27 or looking at Proposal 13 as revised on Page 85 -- Ida
28 I'm going to need your help on this.

29

30 I move to not adopt Proposal 13. Is that
31 going to.....

32

33 MR. UMPHENOUR: Point of order. Mr.
34 Chairman, point of order.

35

36 CHAIRMAN NICHOLIA: Go ahead, Virg.

37

38 MR. UMPHENOUR: A motion is always made
39 to the affirmative then you can speak to the motion, you
40 might oppose it, but all motions should be made to the
41 affirmative.

42

43 MS. WAGGONER: Okay. I move -- that's
44 what I had originally said was, I move to adopt Proposal
45 13 as revised by OSM on Page 85.

46

47 MR. UMPHENOUR: Second.

48

49 CHAIRMAN NICHOLIA: It's been moved and
50 seconded. Discussion.

00034

1 MR. UMPHENOUR: Thank you. I am going to
2 support the Staff's recommendations. I want to reference
3 my previous comments on this subject. I don't really
4 think there's much else to say that in times of shortage
5 I feel the subsistence should have priority over all
6 other users which include a gigantic commercial fishery
7 that harvests in excess of a million of these fish a year
8 for profit.

9

10 Mr. Chair.

11

12 MS. WAGGONER: Question.

13

14 MR. UMPHENOUR: You can't call the
15 question you made the motion.

16

17 MS. WAGGONER: Okay.

18

19 MR. STEVENS: Question.

20

21 CHAIRMAN NICHOLIA: It's been moved,
22 seconded and question called. Don, I'd like a roll call
23 vote on this.

24

25 MR. MIKE: Thank you, Mr. Chair. There
26 was a motion on the floor to adopt Proposal 13 as revised
27 by the Office of Subsistence Management, Page 85 of the
28 Council book. Virgil.

29

30 MR. UMPHENOUR: Yes.

31

32 MR. MIKE: Jim.

33

34 MR. WILDE: Yes.

35

36 MR. MIKE: Jay.

37

38 MR. STEVENS: No.

39

40 MR. MIKE: Tricia.

41

42 MS. WAGGONER: No.

43

44 MR. MIKE: Gerald.

45

46 CHAIRMAN NICHOLIA: No.

47

48 MR. MIKE: Mr. Chair, there's two yes and
49 three no's.

50

00035

1 CHAIRMAN NICHOLIA: Proposal 13 is
2 opposed by this Council. And if we didn't do nothing
3 with -- if we didn't pass 13, do we have to deal with 11
4 -- well, it says right there no action is required on
5 Proposal 11 if 13 is adopted, so what are we going to do
6 here?

7
8 MS. PETRIVELLI: Well, I guess since you
9 didn't adopt it, you could take action just to have the
10 record clear. You could give your recommendation on 11.

11
12 MR. UMPHENOUR: Move to adopt Proposal
13 11.

14
15 CHAIRMAN NICHOLIA: Is there a second.

16
17 MR. WILDE: Second.

18
19 CHAIRMAN NICHOLIA: Discussion. Virg.

20
21 MR. UMPHENOUR: There is a little bit of
22 different discussion on this one because there is
23 absolute positive proof and records of how many people
24 that lived in Delta Junction went to Chitina subsistence
25 fishing in 1961, that's part of the State records. So we
26 have proof that that's multi-generations. So the people
27 that live in Delta Junction have been participating in
28 this fishery for sure, that there's records of since
29 1961. I believe the road was built in 1959. I'm not
30 sure what year it was built. But anyway, the records go
31 back to statehood and a C&T determination, I want to
32 remind everyone that we're supposed to be making a
33 determination on the use of the stock, not whether we
34 have a bunch of aliens that have moved into Delta
35 Junction from Russia. Which I think is what some people
36 might be worried about.

37
38 This country is made up of people, a
39 whole bunch of us came from someplace else originally.
40 By law, we're supposed to make a determination on the use
41 of the stock, not who's harvesting it and their ethnic
42 background. So I am definitely in favor of this.

43
44 Mr. Chair.

45
46 CHAIRMAN NICHOLIA: So do you move to
47 adopt, is there a second? Jim, did you second?

48
49 MR. WILDE: Yes, I seconded it.

50

00036

1 MR. UMPHENOUR: I'll call the question
2 then.

3
4 CHAIRMAN NICHOLIA: It's been moved,
5 seconded and question. Again, I'm going to state my
6 position on this.

7
8 I think that Delta already has an avenue
9 to go down there within the State. Because the Copper
10 River Delta, it's Federal on one side and State on the
11 other side of the river. I think they do have
12 opportunity and so I'm going to oppose it.

13
14 MR. UMPHENOUR: Okay. When it's State
15 land on one side of the river and Federal land on the
16 other side of the river, such as it is at Kaltag, for
17 instance, because we have the Innoko Refuge on one side
18 and State land on the other side, then the Federal rules
19 apply for all the fish on both sides of the bank, even
20 though only one side of the bank is Federal lands. And
21 so there again, the only time any of these regulations
22 are going to cause allocation is in times of shortage.
23 And again, I'm going to say that the law is very clear
24 that subsistence takes priority over harvest over a
25 commercial fishery. So I will never ever vote any other
26 way and by law, we can't, and so I'm in favor of this
27 proposal.

28
29 Mr. Chair.

30
31 Question.

32
33 CHAIRMAN NICHOLIA: It's been moved,
34 seconded and question called. Donald, again, I'd like a
35 roll call vote on this.

36
37 MR. MIKE: Mr. Chair, it's been moved to
38 adopt Proposal 11. Virgil.

39
40 MR. UMPHENOUR: Yes.

41
42 MR. MIKE: Jim.

43
44 MR. WILDE: Yes.

45
46 MR. MIKE: Jay.

47
48 MR. STEVENS: Oppose.

49
50 MR. MIKE: Tricia.

00037

1 MS. WAGGONER: Oppose.

2

3 MR. MIKE: Gerald.

4

5 CHAIRMAN NICHOLIA: Oppose.

6

7 MR. MIKE: Mr. Chair, the vote was two
8 yes, three no's.

9

10 CHAIRMAN NICHOLIA: Okay. Proposals 13
11 and 11 are opposed by the Eastern Interior Council, it
12 was almost a split Council here. It's been requested
13 that since we already gave our recommendation to the
14 Board just now, this is -- we have a request from Randy
15 Mayo, about one half hour, he wants to give public
16 testimony on the Federal FACA issue -- yeah, I accept
17 that if he's here.

18

19 MR. MAYO: Thank you, Mr. Chair, Board.
20 It's a tough job here you folks have as I used to sit on
21 the Eastern Interior Board. But I wanted to speak to
22 this issue that came on the radar screen.

23

24 CHAIRMAN NICHOLIA: Could you state your
25 name.

26

27 MR. MAYO: Sorry. Randy Mayo, Stevens
28 Village Tribal Council, Council member here speaking on
29 behalf of our tribal government.

30

31 I wanted to speak to the issue of, you
32 know, this change in the make up of the Board to add
33 sport and commercial representation. You know, I used to
34 sit on the Eastern Interior Board, although ANCSA and
35 ANILCA, you know, the Federal legislation that had really
36 , you know, diminished the tribal governments role in,
37 you know, a lot of the management issues out there on our
38 traditional lands and that, you know, I just wanted to
39 speak to that a suggestion that a tribally elected
40 official from one of the tribal councils also be
41 included, you know, if the Board make-up is going to
42 expand for a lot of different reasons.

43

44 Not just for political reasons but also
45 that, you know, like in Stevens Village we have been
46 developing a tribal natural resource office and there's
47 some folks, you know, sitting on the board here, I've
48 known Virgil for a number of years and, you know, I think
49 he understands what I'm talking about because he's
50 knowledgeable about how tribal governments work into

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1 resource issues. You know, we talked about it at one
2 point, you know, concerning a tribe in Arizona, although
3 we don't have trust lands up here.

4

5 And also some of the State and Federal
6 guys in the audience, you know, we have been working with
7 them and entering into a lot of studies, you know, Jay
8 Stevens is our deputy natural resource director. So it's
9 based on a lot of technical and biological studies that
10 we had been engaged with with the State and Federal
11 agencies out there.

12

13 So, you know, we're building our
14 infrastructure out there. We have two Federally-funded
15 tribal police officers. And, you know, there's just the
16 absence of State and Federal enforcement folks out there,
17 you know, the dollars are really limited we know and so
18 what I'm talking about is that -- I think that it's
19 really essentially now that a lot of other tribes besides
20 ours are really looking at this as, you know, the state
21 gets more crowded, there's more competition for a limited
22 resource that in a lot of areas like ours, you know, the
23 only government out there is the tribal government. And,
24 you know, when I'm speaking about tribal government like
25 being the only government out there we also in our
26 community, you know, serve non-tribal members also, being
27 the only government out there, there's no State -- you
28 know, we're not a second class city or nothing like that
29 but -- so, you know, it's just a suggestion right now.

30

31 I come out of a regional conference that
32 was held here about a week ago and that's on the minds of
33 a lot of the tribal leaders in the Interior region, you
34 know. Traditional use areas as opposed to the instituted
35 State and Federal game management units and the real need
36 for the tribal councils to start developing their
37 technical and biological infrastructure right in their
38 communities and run under the authority of their tribal
39 councils, you know, be it through tribal code or
40 ordinance or what not.

41

42 So that's what I want to work towards. So
43 that's my testimony. I'll be putting it in written form.
44 And start working with -- you know, through some of the
45 organizations, CATG or TCC and really put this on the
46 radar screen, you know, the need to start putting the
47 tribal governments back up where it belongs. You know, I
48 find a lot of shortcomings with the existing Federal
49 legislation that has put the tribal councils at the
50 bottom of the heap. The land owner out there, you know,

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1 is our Native corporation but through our land use plan,
2 you know, our tribal council really looks out for the
3 land around us and so I just wanted to speak to that.

4

5 Thank you.

6

7 CHAIRMAN NICHOLIA: Do we have any
8 questions for Randy. Go ahead, Virg.

9

10 MR. UMPHENOUR: Thank you. Randy, I have
11 one question I'd like to ask you and that is, as you well
12 know, I don't know how many villages there are in this
13 RACs area but there's a number of them and we only have X
14 number of seats on the RAC so how would you determine
15 which village's tribal council would get membership or
16 would you just have Tanana Chiefs represent -- have a
17 seat or how do you see this could be worked out?

18

19 MR. MAYO: Well, I was just sitting back
20 there in the audience and, you know, it quickly came to
21 my mind that how many RACs are there, 12 or so?

22

23 MR. UMPHENOUR: 10.

24

25 MR. MAYO: You know, I would suggest that
26 a tribally elected official from one of the tribal
27 councils from each region, you know, have a seat at the
28 table also. So say if it's Eastern Interior and if the
29 tribes got together and selected a tribally elected
30 official, meaning that they sit on the tribal council,
31 they're elected by their membership. Organizations such
32 as CATG and TCC, you know, they work for the tribes but,
33 you know, it should be a tribally elected official, a
34 true representative of their membership. That would be
35 my suggestion, you know, that as many regional advisory
36 councils there are from Eastern, Western, Arctic Slope or
37 Southcentral, that a tribally elected official from each
38 region, you know, be represented.

39

40 MR. UMPHENOUR: Thank you. Mr. Chair.

41

42 CHAIRMAN NICHOLIA: What you're talking
43 about, Randy, is even if it's like the Tanana Tribe, from
44 that like one chair -- one council member from the Tanana
45 Tribe will represent the whole Eastern Interior region?

46

47 MR. MAYO: Well, from any one of the
48 communities in these regions, you know, be it Tanana,
49 Rampart, Stevens Village or on the western side, Galena
50 or Huslia. I would, you know, what came to my mind is it

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1 would be a consensus -- you know, based on consensus
2 representation, you know, by the communities.

3

4 CHAIRMAN NICHOLIA: Any more questions.
5 Thank you, Randy.

6

7 MR. MAYO: Yeah, thank you, Mr. Chair.

8

9 MR. UMPHENOUR: We've been at this for
10 almost two hours without a break, could we have maybe a
11 10 minute break?

12

13 CHAIRMAN NICHOLIA: Granted.

14

15 MR. MIKE: Mr. Chair, before we go on a
16 break, the rest of the proposals are going to be dealing
17 with both the Western and Eastern regions and I've spoken
18 with both Council Chairs and they've agreed we'll wait
19 until we get a quorum for Western and deal with the
20 fisheries proposals this afternoon. In the meantime, the
21 Chair's have agreed to go into agency reports. And if
22 Mr. Mayo would be willing to sit in on this discussion,
23 we're going to be discussing the FACA compliance on
24 Council make-up.

25

26 Thank you, Mr. Chair. And I'd like to
27 thank the public for their patience on the agenda
28 changing, the public was forewarned that this is a
29 floating agenda.

30

31 Thank you.

32

33 CHAIRMAN NICHOLIA: I'd like the Western
34 Interior Advisory Council to join us even if they're
35 short members. The Chair will do.

36

37 (Off record)

38

39 (On record)

40

41 CHAIRMAN NICHOLIA: I'd like to start off
42 with agency reports starting with Peggy, is it the FACA?

43

44 CHAIRMAN SAM: Yeah, before we begin, I
45 had more or less excused the Western Interior Council
46 members until 1:00 but I just got a message from Pete
47 DeMatteo that we do have a meeting room for tonight and
48 tomorrow at the Springhill Suites for the Western
49 Interior to catch up if we have to, if we establish a
50 quorum. If not, we will go into all the stuff that does

00041

1 not need action from the Western Interior over at the
2 hotel and try to finish up.

3

4 Sorry for the inconvenience.

5

6 CHAIRMAN NICHOLIA: Go ahead, Peggy.

7

8 MS. FOX: Thank you, Chairs of Eastern
9 and Western Interior Council. In response to your
10 comments there, Ron, we will provide this briefing again
11 for the rest of your members and any other briefings that
12 they may miss prior to their return at 1:00 o'clock. So
13 we will review that because they need to hear the
14 discussion and have an opportunity to offer comments as
15 well.

16

17 But in the meantime, we'll go ahead with
18 the Eastern Interior and yourself.

19

20 My name is Peggy Fox. I'm the Deputy
21 Assistant Regional Director with the Office of
22 Subsistence Management and I'm going to be providing some
23 talking points on FACA compliance.

24

25 In your booklet under Tab G there is a
26 fact sheet called Regional Advisory Councils that touches
27 on the topic of the review of Regional Council
28 composition for compliance with FACA. For this briefing,
29 I'd like to present an overview and then open it up for
30 comments or questions.

31

32 Earlier this year, you received a copy of
33 the letter from the Department of the Interior. The
34 letter is now referred to as the Griles' letter. It
35 spoke to departmental concerns about the membership
36 balance of the Regional Advisory Councils. The Councils
37 are subject to the requirements of the Federal Advisory
38 Committee Act referred to as FACA. FACA requires the
39 membership of an advisory committee to be fairly balanced
40 in terms of points of view represented and the functions
41 to be performed by the advisory committee.

42

43 The Department asked the Board to review
44 procedures used to select members for the Councils. And
45 I'd like to add that this review was requested as a
46 component of a nationwide review of Federal Advisory
47 Committees and so it may appear as though our program has
48 been singled out that is not the case.

49

50 Recently, the Chair of the Federal

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1 Subsistence Board, Mitch, was interviewed by the Alaska
2 Public Radio Network. He stated that the Regional
3 Councils have been very successful and well accepted
4 throughout the state. He added that, as with any
5 program, there can always be room for improvement.
6

7 The Board recently completed its proposed
8 changes to the Council composition and you received a
9 copy of the August 26 letter from the Board to Mr.
10 Griles. And the report which explains the changes in
11 depth. On September 17th our office received a letter
12 from Mr. Griles which stated that the Board's
13 recommendations are to be implemented without delay. He
14 said that the Board's recommendations will strengthen the
15 program to the benefit of all residents of Alaska.
16

17 The changes approved by the Office of the
18 Secretary include, increased membership on most Councils.
19 The Yukon/Kuskokwim Delta and Southcentral Councils will
20 increase their membership from 11 and seven respectively
21 to 13 in each Council. The Southeast Council will remain
22 at 13. The remaining Councils will increase their
23 membership to 10. Larger Councils will allow additional
24 opportunities for representation of other directly
25 affected interests, recreational, sport and commercial
26 uses that have a direct and legitimate interest in
27 subsistence allocations.
28

29 Another change that was approved had to
30 do with the specific composition of the Councils.
31 Councils will now have designated seats. 70 percent will
32 be designated for representatives of subsistence
33 interests and 30 percent for representatives of
34 recreational, sport and commercial interests.
35

36 For the seven Councils with 10 members,
37 three seats will be designated to recreational, sport and
38 commercial interests. On the three Councils with 13
39 members, four seats will be designated recreational,
40 sport and commercial interests.
41

42 For those Councils then with, I think the
43 Western Interior has nine members, for example, that
44 Western Interior will go to a total of 10. Again, the
45 three seats for recreational, sports and commercial
46 interests will be designated where two will represent one
47 interest group and one another and these interests groups
48 can include sportfishers, sport hunters, guides,
49 transporters, commercial fishers, it could be a number of
50 them.

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1 All Council members will continue to be
2 residents of their Council region as required by Title
3 VIII of ANILCA. And all members must be knowledgeable
4 about subsistence uses of fish and wildlife within the
5 region. Council members may either be rural or non-rural
6 residents of their regions. Again, along with the fact
7 that they are a resident of the region.

8

9 Some Councils have alternates on their
10 Councils as a way to assure obtaining a quorum.
11 Alternates will be allowed to complete their terms but
12 alternates will be discontinued in future years.

13

14 The report that accompanied the August
15 26th letter explains changes to the nominations process
16 and although I won't address them in my opening remarks
17 here I will be glad to take questions on them following
18 my comments.

19

20 These changes will be phased in over
21 three years beginning with the application and nomination
22 process in 2003. Full implementation of the new
23 composition of the Councils must be completed by 2006.

24

25 Before we open this up for questions I
26 would like to refer you to the September 26th letter from
27 Mitch Demientieff addressed to the Regional Advisory
28 Council members. Each one of you should have received
29 one by now in the mail. I'm not sure if they're in the
30 Council books or not. Perhaps someone else knows -- no,
31 they're not in the books -- well, you should have
32 received them. Mitch stated that while the Councils
33 serve to ensure that the subsistence priority in ANILCA
34 is preserved, the Board also wants to ensure that the
35 question of membership balance is in compliance with the
36 Federal Advisory Committee Act.

37

38 He stated that the Board does not believe
39 that these two laws are in conflict but, in fact, will
40 help the Board make well informed decisions. He stated,
41 quote, compliance with ANILCA protects the subsistence
42 priority and compliance with FACA ensures that all
43 interests directly affected by the Board's regulatory
44 decisions are involved in the process. He encouraged the
45 Council members to work with the Board as these changes
46 take place.

47

48 That concludes my comments and I'd be
49 glad to take questions or people can offer comments.

50

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1 Thank you.

2

3 CHAIRMAN NICHOLIA: Peggy, I have a
4 question for you. You notice how vacant my Council has
5 been for the last three years, how -- when you can't even
6 fill nine seats in the Eastern Interior Region, how do
7 you think you're going to fill 10?

8

9 MS. FOX: Well, I guess we need to do a
10 better job of outreach, of trying to get a lot more
11 people to come and apply or be nominated. I mean
12 certainly organizations can nominate people as well as
13 individuals can apply. And then we need to be very
14 careful when we do interview people and interview
15 references and try to make sure that people can commit to
16 coming to the meetings. We'll just have to do a much
17 better job of screening and making sure that people can
18 come to the meetings.

19

20 MR. DEMIENTIEFF: Maybe, Peggy, I can add
21 to that. Gerald, one of the things that the Board wanted
22 to do once we got beyond the FACA compliance issue is
23 to.....

24

25 MR. RIVARD: Will you identify yourself.

26

27 MR. DEMIENTIEFF: Oh, I'm Mitch
28 Demientieff.

29

30 (Laughter)

31

32 MR. DEMIENTIEFF: Let me see where the
33 heck was I?

34

35 Anyway, one of the things that we want to
36 do once we get beyond the FACA compliance issue is to
37 streamline the Board replacement policy and that is,
38 where we get a vacancy and what we're going to try to
39 achieve is to have the Board have the authority as
40 opposed to going to the Secretary when a vacancy occurs
41 in the Council. So that will be one of the things that's
42 next on the Board's horizon is to try to resolve that
43 issue when there are vacancies that do occur.

44

45 And in particular, Eastern region but
46 it's also been a problem in some of the other regions
47 where we have to wait and get clearance from Washington
48 to replace -- so that is going to be a new Board
49 initiative to try to resolve that issue so that at least
50 we can expeditiously and within the state come up with

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1 some temporary replacement until that seat becomes vacant
2 again and would go through the normal process. So we're
3 hoping to do that Gerald and that will be -- that's
4 directly on the Board's horizon here.

5

6 CHAIRMAN NICHOLIA: And then I guess,
7 Peggy, you heard the comments from Randy Mayo?

8

9 MS. FOX: (Nods affirmatively)

10

11 CHAIRMAN NICHOLIA: You notice that like
12 Michael Stickman and Benedict Jones are on the Koyukuk
13 and Nulato tribal councils, I don't see nobody here
14 that's representing a tribal council -- I may represent a
15 tribal council but I'm a staff employee I'm not an
16 elected official.

17

18 MS. FOX: We would welcome nominations
19 from tribal councils for participation on the Council.
20 That's definitely one of the audiences that we're going
21 to target to try to get tribes to nominate people and
22 that then they can be considered for selection and
23 sitting on a seat for a Council. We welcome that.

24

25 CHAIRMAN SAM: Yeah, when this Griles'
26 letter came out it really bothered me and it still does.
27 As you know, our subsistence Councils were formed to
28 protect subsistence issues. Has our solicitor at OSM
29 gone over that fact and in any way disputed the need for
30 30 percent representatives of sportfishing and commercial
31 interests? Has that been addressed?

32

33 MR. DEMIENTIEFF: Yes, Ron. You know,
34 the thing to remember is this is part of a national
35 review and it doesn't only focus on the Federal
36 Subsistence Board. And that's -- it's they're referring
37 all advisory panels to DOI nationwide for compliance for
38 FACA.

39

40 And, yes, in fact, Keith Goltz has been
41 very much involved with it to make sure that we are in
42 compliance and he has raised many issues. In fact, he
43 has chaired the task force that we had specifically
44 assigned within Staff to look at the FACA compliance. He
45 actually chaired that particularly task force that I
46 appointed so he's been very involved with it.

47

48 But again, we have to keep in mind that
49 this is a national thing it's not just the Federal
50 Subsistence Board specifically.

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1 I understand nationwide that there have
2 been, in a variety of advisory panels that there have
3 been quite a few issues raised with regard to Federal
4 advisory committees throughout the nation so it is a
5 nationwide thing and that's very important to keep in
6 mind.

7
8 MS. FOX: I'd like to add something to
9 what Mitch has said as well. And that is in other
10 situations where advisory committee's function there
11 isn't necessarily and often not at all a percentage, you
12 know, an allocation, if you will, to certain interests.
13 In fact, many are designed so that there isn't any
14 majority.

15
16 For example, the BLM regional advisory
17 council here in the state has three members from the
18 State, three from Federal agencies and three from what
19 they call non-governmental organizations, could be
20 environmental groups for example so there isn't any
21 single majority at all. And where the solicitor has been
22 particularly helpful in our case is the balance that is
23 struck between ANILCA and FACA and our means of
24 protecting the subsistence priority and the subsistence
25 interests is that the majority of the seats on our
26 Councils are going to be represented by people who
27 represent subsistence users. And the minority, if you
28 will, by designated seats for sports and commercial uses.
29 So that's a little different, a little unique to our
30 program and provides added support to accomplish Title
31 VIII.

32
33 CHAIRMAN NICHOLIA: Wait. I know that you
34 said that there's sport and commercial and other interest
35 groups, could you define other interest groups for me?

36
37 MS. FOX: Well, the list that we're
38 working off of is sport hunters, sport fishers,
39 transporters, guides, commercial fishers, that's about
40 it. These need to be interest groups that are directly
41 affected by subsistence so it wouldn't be groups who are
42 like the Sierra Club or watchable wildlife groups, those
43 types of things. They would definitely be groups that
44 are involved in the take of resources.

45
46 CHAIRMAN NICHOLIA: That's what I was
47 just getting at. Go ahead, Jim.

48
49 MR. WILDE: I'm going to step on some
50 feet but I'm 62, I figure I deserve it once in a while.

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1 I hear what you would like to have on
2 here and you just turned one down that roped me in here
3 two years ago and I lean on him a lot. He was willing to
4 reapply and he did. And all I can surmise in my own
5 estimation is that it was purely personal. And I'd like
6 to, off the record, have somebody tell me why.

7
8 Thank you.

9
10 MS. FOX: Are you talking about
11 selections that were made the last go around for Eastern
12 Interior?

13
14 MR. WILDE: A selection that wasn't made.

15
16 MS. FOX: Well, okay, let me first of all
17 indicate that it's the Secretary's decisions. We
18 recommend, the Board recommends to the Secretary and that
19 process is considered somewhat confidential in terms of
20 the development of those recommendations. So you're
21 talking to people who have made recommendations, I don't
22 know that I can -- I certainly can't provide the
23 rationale. I don't know if Mitch can.

24
25 MR. DEMIENTIEFF: Yes, Jim, we'll look
26 into that. But I do believe that the Board recommended
27 him for reappointment but we will confirm that and get
28 back to you with some correspondence as a follow-up. But
29 again, as Peggy pointed out, all we do is recommend to
30 the Secretary and the Secretary at the national office
31 makes -- actually does the appointing and we have nothing
32 to do with that. But we will confirm whether or not it's
33 -- because I believe our recommendations are a matter of
34 public record. But then -- so we will confirm that. But
35 again, we don't make those choices, that is solely at the
36 discretion of the Secretary. And does actually relate to
37 what I was talking about earlier, in terms of getting
38 some authority from the Secretary to appoint vacancies as
39 they occur mid-term, which is the question which Gerald
40 raised -- or the issue that Gerald raised a little bit
41 earlier. So hopefully we'll be able to do that.

42
43 MS. WAGGONER: I'd actually like to
44 further extend, hopefully your guy's response, I don't
45 remember the exact number, I think there was actually 13,
46 15 or 18 applications for the seats, three were -- four
47 were appointed and we still have two vacancies. So I
48 mean there was applicants for this board and the board
49 wasn't filled. It would be nice to get a response as to
50 why, you know, because that puts more weight on each of

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1 the members that are here to make decisions when we have
2 vacancies.

3

4 And then my second question is, under
5 FACA is there going to be a rural/urban split on the
6 Board? I mean we could basically -- don't get me wrong
7 here Virgil, but we could have 70 percent subsistence
8 users, you know, subsistence users apply from Fairbanks
9 or Southcentral could have their 70 percent component
10 from Anchorage, is there some way that there's going to be
11 guidelines for that determination?

12

13 MS. FOX: Yes. First of all let me
14 respond to your earlier comments with regard to the
15 selections and so on. We will go back and reconstruct
16 the process and provide a response for you, you know,
17 with the full scope, not just one member -- or one
18 nominee but the full scope, be glad to do that.

19

20 With regard to representation from urban
21 areas, there isn't any designated number but it is one of
22 those factors where certainly people from Anchorage or
23 Fairbanks, within their respective regions are affected
24 by subsistence decisions so they do have some legitimate
25 interest in being represented on the panel. But that
26 doesn't mean it goes with a certain numbers. There are
27 no designated seats from urban people. It could be a
28 subsistence user who is an urban resident and we have
29 those on the Councils already. As a matter of fact, Bill
30 Thomas, Chair of Chairs is an urban resident the way we
31 categorize things. Anyway, so we will be looking at that
32 as -- after we look at the basic five criteria. All
33 candidates that will be nominated have to be highly
34 qualified and they have to be highly qualified that they
35 are knowledgeable of subsistence, they're knowledgeable
36 of the fish and wildlife resources in the region, they're
37 knowledgeable of the customary and traditional uses of
38 those resources, they exhibit leadership skills and
39 abilities and they exhibit good communication skills.
40 Those are the five basic criteria and we're always
41 looking for highly qualified candidates no matter where
42 they come from. Okay subject to the things I said
43 earlier about subsistence and other directly affected
44 interests.

45

46 Now, once we get a pool of candidates
47 that are highly qualified, we try to look around the
48 region and get some geographic distribution, you know, so
49 that they don't all come from one area or just a portion
50 of a region but we try to -- if we have a highly number

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1 of qualified candidates to select from, we try to
2 identify ones that will then represent a spectrum of the
3 region, including non-rural, rural residents and as many
4 different -- if there are different cultures involved
5 and, you know, different portions of the region. So
6 there are a number of things that are applied after
7 people make basic -- make the basic criteria and are
8 determined to be highly qualified and then we swift
9 through those with these other considerations in mind.
10

11 CHAIRMAN NICHOLIA: I'd just like to
12 mention that you be very careful with this Eastern
13 Interior region because we have the Yukon River, the
14 Tanana River and this highway here and it's truly --
15 where you guys have truly control over there is in the
16 Yukon Flats area and I only see one person from there
17 here. And this is where you guys have regulations that
18 you could enforce and you don't have regulations that you
19 can enforce around Tanana where I'm from because it's all
20 State. I'd like to see more representation from the
21 areas that you have control from not just from other
22 groups or other things like that.
23

24 CHAIRMAN SAM: We do not have many
25 commercial or sportfishers represented on the Western
26 Interior but we do have some subsistence guides if -- if
27 people like Jack Reakoff go put down as their primary
28 occupation as a commercial fisherman, which he is or once
29 was and a few others change their primary occupation,
30 would then -- would that then meet the FACA criteria?
31

32 MR. DEMIENTIEFF: Yes, very much. And I
33 just completed a meeting with -- yesterday afternoon with
34 the Assistant Secretary for Alaska and with the -- I
35 think Drew Pearce was there from the National Office and
36 some of the OSM staff people and it was, you know, gone
37 over again, which we have before but they have reassured
38 me that the Department is going to be very flexible in
39 people changing their hats. And it's within all of the
40 Councils, very many of us know that that people's primary
41 source of income, which may be commercial fishing but
42 they also commercial fish in many areas in order to be
43 able to afford to subsidize subsistence fishing. It's a
44 very common practice.
45

46 So again, I've been assured, again, as
47 recently as yesterday afternoon that DOI is going to be
48 very flexible in terms of people just simply declaring
49 what their primary interests are and there's no doubt
50 that that does go on. If you have assistant guides,

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1 those kind of things in your villages, well, you know
2 where your food on your table comes from and you know
3 basically where your income comes from and if that's a
4 viable income stream for particular individuals, then I'm
5 sure they're going to be working to protect that source
6 of income. So there is --there will be that people
7 simply declaring what interests they're actually
8 representing.

9

10 So that's a very important part of the
11 process and the Department will be very flexible in
12 recognizing that.

13

14 CHAIRMAN NICHOLIA: Well, I'd hate to see
15 this composition for RACs break down to so much that it's
16 other interest groups besides subsistence users because
17 you might be opening the door here to misrepresent the
18 subsistence users and I'd like to let you guys know that
19 you have to be very careful of what you're doing here.

20

21 MS. FOX: I'd like to add to what Mitch
22 said and to what Gerald is pointing out. And you know,
23 our process remains pretty much in tact. And what we
24 have done is when we get applications and we get
25 nominations, we interview candidates and we interview
26 references but we also go a step further, there a list of
27 key contacts that are identified for each region. And
28 those are -- you know they can be all kinds of
29 organizations, but ones that have some kind of interest
30 in fish and wildlife resources, they could be a Refuge,
31 it could be a Native corporation, a list exists for each
32 region. We're going to be expanding that list to the
33 sports and commercial interests but we will be asking
34 these people, you know, to substantiate that these are
35 legitimate -- I don't want to say legitimate necessarily,
36 but that they will do a good job of representing
37 subsistence interests or sports or commercial, whatever,
38 this has always been a part of our process. I'm just
39 indicating that it will be expanded a bit.

40

41 And we try to do as thorough a job as
42 possible to find very highly qualified candidates. And I
43 think the success of our Councils is reflective of a very
44 strong process. So I'm hoping that we are simply going
45 to add to the success of the Councils, not change them.
46 Certainly, it's no one's intent to turn them upside down.
47 I would -- unless people decide not to reapply, I would
48 expect the Councils to be composed of a great number of
49 the same people that are already here and we have a
50 normal amount of turnover every year and we will

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1 hopefully use those seats as an opportunity to fill with
2 other interests.

3

4 Thank you.

5

6 MR. DEMIENTIEFF: I think a key component
7 to that is we, you know, I insisted upon and the Board
8 endorsed and was finally ultimately accepted by DOI that
9 we have a three year transition. And the reason for that
10 in very many of the regions we have people who are
11 serving on the RACs that have been involved with the
12 program since its inception. And, you know, we don't
13 want to lose those senior RAC members which will allow us
14 the opportunity to keep our long-term valued brain trust
15 of the Councils within each respective region.

16

17 The other thing that I think is important
18 is the point that you raised, Gerald, I think is a two-
19 way street. As the tribes, what-not, different
20 organizations nominate people for RAC appointments, I
21 think it is incumbent upon those nominating entities to
22 make sure that they're nominating people who are going to
23 get to the meetings. Years ago I served as the regional
24 coordinator in the State system for the State regional
25 council system and there was a mix of subsistence
26 advisory committees, I think Ronnie served at that time
27 on that regional council as well and a few others, quite
28 a few others of us around the region and it was all one
29 region, the interior region was all one region at that
30 time. And there was about a 70/30 split amongst the
31 advisory committee chairs. And there was several of
32 those committees in particular that were very -- it was
33 during all the subsistence votes within the state and all
34 that was going on, and very many of those were very non-
35 subsistence interests that we sat and worked out as a
36 regional council. And, you know, that's why I say it can
37 be a very positive thing, in that case it was.

38

39 In that case all of our advisory
40 committee chairs from the subsistence interests made sure
41 that they attended every meeting. And thus subsistence
42 votes carried the weight of every day.

43

44 So again, it's incumbent upon the -- you
45 know, it's a two-way street, we got to make sure we
46 nominate people that are going to get to the meeting or
47 do their very level best, obviously weather and those
48 things aside. So it is a two-way street. But I think
49 with even the current formula erases the national
50 compliance issue with FACA and it assures that if the

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1 people get to the meeting that subsistence interests are
2 going to carry the day as far as any vote that may come
3 down at the Regional Council level.

4

5 CHAIRMAN NICHOLIA: Any more questions.
6 Thank you.

7

8 MR. DEMIENTIEFF: Thank you.

9

10 CHAIRMAN NICHOLIA: Okay, we got Don
11 Rivard, statewide rural determinations. Go ahead, Don.

12

13 MR. RIVARD: Good morning again, Council
14 members. My name is Don Rivard with the Office of
15 Subsistence Management. And I'm just here to give you an
16 update on the status of the rural determination process.
17 This is not an action item so it doesn't require any
18 action by the Councils. I'll refer you to, in your
19 books, for Eastern Interior, Tab G, Page 197 and for the
20 Western Interior it's Tab J, Page 265. Under that, in
21 your books, basically it's a fact sheet on rural
22 determinations and we'll go over some of the highlights
23 of it.

24

25 Title VIII of ANILCA requires that
26 subsistence priority for rural residents as we all know.
27 And when the Federal Subsistence Management Program began
28 in 1990, the Federal Subsistence Board made rural
29 determinations at that time which we still have in place.
30 The Federal subsistence regulations require a review of
31 these determinations every 10 years after a US census is
32 done and thus, with the census data now compiled it is
33 time to review the original determinations.

34

35 Additionally, in the late 1990s, the
36 Board received requests to explore the methods that were
37 used to determine which communities are considered rural
38 and non-rural.

39

40 The Federal Subsistence Board decided
41 that they needed to do this through a third-party
42 contract and the Institute of Social and Economic
43 Research, also known as ISER was contracted along with
44 Dr. Robert Wolfe and Associates to develop scientific
45 methods in order to make sound decisions on rural
46 determinations.

47

48 ISER has done a number of things to date,
49 including a comprehensive literature review. They have
50 performed some statistical assessments of the community

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1 to determine the best measures to qualify communities as
2 either rural or non-rural. They've also visited eight
3 areas in Alaska and held some focus group meetings. And
4 that basically was to ask people what rural means to them
5 and what would be widely accepted as definitions as rural
6 versus non-rural.

7

8 Now, next month, November 2002, ISER's
9 final report is due along with at least two proposed
10 methodologies on how to determine rural versus non-rural.
11 And as you see in your booklets, some of the next steps
12 the Federal Subsistence Board is going to have their
13 public meeting on January 14th and 15th, 2003 to decide
14 which of the proposed methods, if any, they will go
15 forward with for additional review by the public and
16 Regional Advisory Councils. And then in February,
17 during your next round of meetings, you'll have a chance
18 to look at them and provide recommendations to the Board
19 and any comments that you have.

20

21 The Board decision right now is slated
22 for May 2003 to make a final decision on which method
23 they'll use to conduct these 10-year reviews. From June
24 2003 through May 2004, the selected method will be used
25 in analyzing the 2000 census data and other relevant data
26 from Alaska communities. The public and Regional
27 Advisory Councils will be asked to review and comment on
28 the findings of this analysis. And then right now,
29 envision that in May 2004 there will be final rural
30 determinations made.

31

32 That's the conclusion of my presentation.
33 I'm willing to entertain any questions or comments you
34 may have.

35

36 Thank you.

37

38 CHAIRMAN SAM: Yeah, have you received
39 any kind of positive feedback from any one of these
40 meetings, these focus group meetings because the one I
41 attended didn't get anywhere.

42

43 MR. RIVARD: Ron, our office hasn't --
44 we'll know when the public knows basically when ISER
45 releases their report next month. And all that
46 information will be provided. Right now it's
47 intentionally been kept together, everything that they've
48 done and not released as they go along, they wanted to
49 release all of their information and their report all at
50 once. So I don't have any specific information on

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1 feedback on the focus groups.

2

3 CHAIRMAN SAM: The reason I asked that is
4 that it started out nice enough and the goals weren't
5 clearly identified, I think, and what our focus group
6 turned out to be, ended up more or less a shouting match
7 and I don't think that was helping anything.

8

9 CHAIRMAN NICHOLIA: I have an easy
10 question for you Don. What happens to a rural area after
11 we make all kinds of C&T determinations and we give them
12 allocations of subsistence resources and then that area
13 is determined urban after -- what happens to those
14 determinations -- all that work we did for them, it'll be
15 just shot down or what?

16

17 MR. RIVARD: Well, I don't know if I have
18 a real good answer for that, Gerald, but if there -- if a
19 community goes from being rural to non-rural then they're
20 no longer going to be getting the subsistence priority.
21 There will be a five year waiting period before the
22 changeover takes place.

23

24 CHAIRMAN NICHOLIA: Any more questions
25 for him.

26

27 MR. UMPHENOUR: Are there areas that have
28 a positive C&T for game and a negative for, say, salmon?
29

30 MR. RIVARD: I don't know the answer to
31 that.

32

33 MR. UMPHENOUR: Well, then I can ask you
34 another question then, is Nenana positive for game,
35 because we just turned them down for fish?

36

37 MR. RIVARD: Donald Mike's looking that
38 up right now. Thank you.

39

40 CHAIRMAN NICHOLIA: I don't think we
41 really did turn them down, it's that we just -- they
42 could come up to us with a better proposal with more
43 information that provides history because what we tried
44 to do earlier is we tried to make a decision without
45 being really informed. Because when I was working with
46 this full board here we had more information, like just
47 for the Tok area that time, we had more information from
48 both the Federal and the State Staff, so we had clearly a
49 better picture of what was customary and traditional and
50 what was urban. I mean you could see it.

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1 From all this information that was
2 presented earlier, I couldn't get a clear picture. We
3 didn't really turn nobody down, they could always come
4 back.

5
6 Is that it for questions for Don.

7
8 Thank you.

9
10 MR. RIVARD: Thank you, Mr. Chair.

11
12 MR. KRON: Mr. Chair, members of the
13 Regional Councils. I will be addressing the Partners for
14 Fishery Monitoring Program which is in your books. In
15 the Western Interior Book it's under Tab J and the
16 Eastern Interior Book it's under Tab G and it's just a
17 one page summary.

18
19 The Partners for Fishery Monitoring
20 Program is a new program.....

21
22 MR. RIVARD: State your name.

23
24 MR. KRON: My name is Tom Kron from the
25 Office of Subsistence Management.

26
27 The Partners for Fishery Monitoring
28 Program is a new program that helps local and tribal
29 organizations hire fishery biologists and social
30 scientists. The intent is to build capacity in these
31 rural and tribal organizations. These new Staff will
32 assist rural and Alaska Native organizations to collect
33 and share information about subsistence fishery harvest
34 and fish populations. These partners positions will work
35 to ensure the success of studies already funded through
36 the Fishery Resource Monitoring Program.

37
38 About a year ago there was a call for
39 proposals that went out statewide asking for
40 organizations that were interested in participating to
41 submit proposals. Those proposals came in, they were
42 reviewed last winter and then this past spring the
43 Federal Subsistence Board made decisions to fund seven of
44 those proposals. These partners positions are full-time
45 year-round biologists or social scientists positions. In
46 each region Partners funding also includes resources for
47 a student intern so that the tribal and rural youth can
48 be trained to do fisheries work.

49
50 The current \$900,000 Partners Program

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1 includes six fishery biologist, 1.3 social scientist and
2 seven student interns and support resources for these
3 positions.

4

5 To quickly go through where these
6 positions are located, the Association of Village Council
7 Presidents has two fishery biologists, one for the Yukon
8 and one for the Kuskokwim. Bristol Bay Native
9 Association has a fishery biologist Partners position.
10 The Council of Athabascan Tribal Governments has a
11 fisheries biologist position. The Kuskokwim Native
12 Association has a fisheries biologist position. The
13 Native Village of Eyak has a social scientist position.
14 And Tanana Chiefs Conference here in Fairbanks has a
15 fisheries biologist position.

16

17 Maybe I could briefly explain the .3
18 social scientist, the AVCP proposal in addition to the
19 two fisheries biologist has two-tenths of a position for
20 the Yukon as a social scientist and one-tenth for the
21 Kuskokwim as a social scientist.

22

23 The Partners agreements may last as long
24 as five years depending on annual reviews and
25 availability of funding. An additional Partners position
26 may be established in the future.

27

28 Partners provide needed skills to help
29 rural and Alaska Native organizations to accomplish a
30 number of things. It will help to plan and conduct
31 fishery monitoring studies and subsistence fishery
32 harvest assessments. To provide technical support and
33 coordination of subsistence fishery monitoring
34 activities. To identify subsistence issues. To conduct
35 community outreach, training and education.

36

37 The agreements for all seven of these
38 relationships are now in place. They were worked out and
39 signed this past summer. The last one was signed in
40 early September. And already the organizations, again,
41 with the 7.3 Partners position possible under the
42 agreements, four of the positions have been filled at
43 present. There are differences between the various
44 agreements based on the proposals that came in and in
45 some cases circumstances.

46

47 Mike Smith from TCC is here and, again,
48 we have a relationship with TCC, they have a fisheries
49 biologist position and they have just recently hired a
50 person for that position. The young lady's name is

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1 Kimberly Elkin, she is also here at this meeting and I
2 wanted to give them an opportunity to come up and provide
3 some comments, introduce themselves to you because,
4 again, I think each of you as Council members will be
5 working with these people more in the future and wanted
6 to get you to know them and develop a relationship with
7 them.

8

9 Also, again, CATG has a fishery biologist
10 position, they are recruiting for that position
11 currently. I know there are people here from CATG as well
12 and would welcome them to come up and provide their
13 perspectives if they would like to do that.

14

15 Thank you, Mr. Chairman.

16

17 CHAIRMAN NICHOLIA: Before you go, Tom.
18 I'd like to see if my Council has questions for you.

19

20 MS. WAGGONER: Tom, basically there's a
21 lack of qualified people out there to fill these
22 positions is OSM assisting these organizations in
23 recruitment?

24

25 MR. KRON: Mr. Chair. Ms. Waggoner, yes,
26 we are attempting to work with them. In the case of the
27 TCC selection, I assisted with the interview process on
28 that. Again, these positions, you know, they work for
29 these rural and Alaska Native organizations, they're not
30 Federal government positions. They're not my employees.
31 So it's up to that organization to make the decision
32 ultimately, you know, within the scope of the agreement.
33 But again, we're here to help make recommendations,
34 suggest ways to find people but you're exactly right. In
35 the case of fisheries biologists, you know, we've seen
36 that there's a very limited pool of qualified individuals
37 out there.

38

39 And again, there are three positions
40 currently that are not filled. The one position with
41 CATG and Ft. Yukon and the two fishery biologist
42 positions in Bethel, one for the Yukon and one for the
43 Kuskokwim. But again, already -- and again, I think it
44 is very positive that it's a brand new program,
45 agreements were just signed this summer and already four
46 of the positions have been filled, but, again, it is a
47 challenge. There's a limited pool of qualified
48 applicants out there but, again, we will be helping the
49 organizations and we'll continue to do that.

50

00058

1 Thanks.

2

3 MR. SMITH: My name is Mike Smith of
4 Tanana Chiefs Conference. And like Tom was saying, we're
5 one of the new partners with the Fish and Wildlife
6 Service in this program. We're certainly excited about
7 the possibilities of this or the -- well, we're certainly
8 excited about the possibilities of this program and look
9 forward to working with them in the development of this.

10

11 We think that this program goes a long
12 ways in establishing a closer working relationship with
13 the rural people of the state and the fishery people --
14 the people who rely upon the fishery industry. And that
15 this fosters a cooperative arrangement with both the Feds
16 and ultimately the State because often times these
17 projects will be in conjunction with State fisheries
18 biologists as well.

19

20 I think one of the more important things
21 that this program offers is the educational aspects.
22 Often times and certainly at your meetings and Federal
23 and State meetings as well, we get lost in the
24 terminology and the amount of data and certainly the
25 biological science stuff can often times be confusing to
26 say the least. We certainly hope that this program will
27 foster an educational program that would better allow the
28 people who are directly affected by fisheries management
29 regimes, whether it be the State or the Feds to better
30 understand exactly what's going on.

31

32 Additionally, we feel that this process
33 will allow the tribal governments and the village
34 councils and the people in the rural areas to participate
35 in the process a little more so that they have a sense of
36 ownership in the process. One of the more interesting
37 aspects, of course, is the collection of traditional
38 ecological knowledge. All of us, I'm sure can agree to
39 the fact that there is a lot of knowledge out there that
40 is not biological in nature and that that knowledge needs
41 to be utilized in the development of rules and
42 regulations around fish and game.

43

44 We certainly hope to expand in the future
45 this type of activity, not only to fisheries but
46 hopefully to game animals as well to develop a more
47 closely working relationship with the various departments
48 and agencies and we just think that it's a very positive
49 approach and we look forward to working with it.

50

00059

1 Like Tom was saying, we just recently
2 signed our contract and Tricia, I think you're correct in
3 trying to find qualified individuals, we just went
4 through that process and we understand what you're saying
5 because trying to find a fish biologist -- an available
6 fish biologist in Alaska is really hard right now because
7 they're in high demand and I think if you're a fish
8 biologist you pretty much can write your own ticket in
9 this state. But we did manage to hire a fish biologist,
10 her name is Kim Elkin, like Tom was indicating. She has
11 a master's in -- I can't even say the word, but
12 fisheries, and at this time I'd like to go ahead and
13 bring her up and maybe she could talk a little bit about
14 the proposals that she's going to be working on in the
15 future and certainly proposals -- I mean I think that
16 needs a little clarification. We, as Tanana Chiefs and
17 our fisheries biologist will come up with proposals on
18 our own, but I think we also need the input of you people
19 and all other users in the development and the parameters
20 of those proposals. We think that there are issues out
21 there that may or may not be being addressed by State and
22 Federal biologist and that we certainly have the ability
23 now to focus on those issues that are more specific in
24 nature and we look forward to your input into the
25 development of our proposals and certainly we'll be
26 disseminating our information to you folks.

27
28 So with that I'd go ahead and bring up
29 Kim Elkin and she'll talk a little bit about the proposal
30 that she's working on now. Granted, she's been on board
31 for just a very short period of time but she's done a
32 good job already in developing proposals and I think
33 she's going to do good work for us.

34
35 Kim.

36
37 CHAIRMAN NICHOLIA: I'll give her about
38 three minutes because I think it's lunch time. Come on.
39

40 MS. ELKIN: That's good, I don't have to
41 talk very long. I'm Kim Elkin and I just got hired two
42 weeks ago as the fisheries biologist for TCC and so I'm
43 trying to kind of get oriented with the way things work
44 and all the regulations as far as Federal and State
45 regulations.

46
47 One of the proposals I am working on is
48 for the Yukon River Panel, the restoration enhancement
49 proposal. And so basically from my understanding I'm
50 hoping to be working on developing enumeration projects

00060

1 for chinook and chum salmon in the middle Yukon River.
2 It could vary, some of the tributaries around there. But
3 I'm willing and definitely capable of working with the
4 local villages in trying to get any ideas and suggestions
5 that I can possibly can to serve those people that are in
6 their communities.

7

8 Also I'm going to be working on a couple
9 more proposals come November with AYK Coalition and then
10 there's one that I just heard about the North Pacific
11 Research Board.

12

13 So whatever information you guys could
14 provide for me will help out because I've only been here
15 for a couple weeks. So that's all I have.

16

17 CHAIRMAN NICHOLIA: Go ahead, Donald.

18

19 MR. MIKE: Thank you, Mr. Chair. I just
20 got word that Jack Reakoff is en route and Pete
21 DeMatteo's picking up Mr. Reakoff from the airport. So
22 if the Council Chairs, if you'd like to resume going over
23 the fisheries proposals after lunch and then after that
24 we can get into customary trade. It's up to the Council
25 Chairs.

26

27 CHAIRMAN SAM: Yeah, Gerald, I would like
28 to see Western Interior Council members present for the
29 next -- and for the RAC charters, too.

30

31 CHAIRMAN NICHOLIA: Yeah, what time do
32 you want to come back, 1:00, 1:30.

33

34 CHAIRMAN SAM: 1:00 and then we might be
35 started up by 1:30.

36

37 CHAIRMAN NICHOLIA: Okay, 1:00 o'clock it
38 is.

39

40 (Off record)

41

42 (On record)

43

44 CHAIRMAN SAM: If Council members could
45 find there way back to their seats we'd like to
46 reconvene. For the public's information, Western
47 Interior now has a quorum with the presence of Jack
48 Reakoff. We will go into evening session over at the
49 Springhill Suites at 7:00 o'clock. We have a room there
50 for tonight and tomorrow. This is for the Western

00061

1 Interior Council to catch up since we didn't have a
2 quorum. And the Chair will declare the Western Interior
3 with a quorum.

4

5 Thank you, Gerald.

6

7 CHAIRMAN NICHOLIA: Thank you, Ron.
8 Thank Jack and Sue for showing up. Donald wants to say
9 something.

10

11 MR. MIKE: Thank you, Mr. Chair. Just a
12 reminder, if you haven't signed up already, please sign
13 up at the sign in sheet that's on the table. And I
14 forgot to mention this morning, if you want to testify
15 please fill out these green sheets and give them to me
16 and I'll give them to the Council Chair so that he'll
17 know you want to testify. And when you're getting up to
18 speak please state your name and agency you represent.

19

20 Thank you.

21

22 CHAIRMAN NICHOLIA: Since we're back
23 together with the two Councils and two quorums I'd like
24 to go back to the proposals. We will follow this
25 proposal review and procedures, introduction of proposal
26 and analysis by OSM Staff, then we'll go to ADF&G
27 comments, tribal government, other agencies and on down
28 the line. The first one would be fish proposal 03-27,
29 Jerry Berg.

30

31 Jerry.

32

33 MR. BERG: I'm sorry, Mr. Chairman, I was
34 paying attention to some other details there. Did you
35 want to start off with Proposal 28?

36

37 CHAIRMAN NICHOLIA: 27.

38

39 MR. BERG: 27, okay. Mr. Chairman,
40 members of the Council, members of the public. For the
41 record my name is Jerry Berg. I'm a fishery biologist
42 for the Office of Subsistence Management. And I'll be
43 covering Proposal No. 27 for George Sherrod, he's not
44 able to be here today but he did do the Staff work on
45 this proposal.

46

47 Fishery Proposal 27 was submitted by our
48 office, the Office of Subsistence Management and it
49 requests that the Federal Subsistence Board establish a
50 statewide regulation allowing the take of fish for

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1 religious and ceremonial potlatch purposes.

2

3 While Federal subsistence regulations
4 allow for the taking of wildlife outside of proposed
5 seasons and harvest limits for ceremonial purposes,
6 currently no such provision exists for the taking of
7 fish.

8

9 Go ahead, Ron.

10

11 CHAIRMAN SAM: Yeah, Jerry, just for
12 Western Interior, we're under Tab D, Page 45.

13

14 MR. BERG: Thanks, Ron, sorry. I should
15 have pointed that out.

16

17 So basically this proposal is to try to
18 bring the fishery portions of the regulations into
19 alignment with the wildlife side for the ceremonial
20 harvest of fish. It should be noted though that for most
21 fish species the existing open seasons and harvest limits
22 already provide an opportunity to take fish that may be
23 used in ceremonial or religious activities. So this
24 would be at times when the season is closed or you need
25 to take a moose for a potlatch when the season is closed
26 or take more game than what is currently allowed then you
27 would need to go through this process.

28

29 Under the history of this regulation, the
30 first Federal subsistence regulations contain provisions
31 allowing the Board to authorize the taking of fish and
32 wildlife outside of prescribed seasons and harvest limits
33 for special purposes including ceremonies and potlatches.
34 So the Board clearly had the authority. And since that
35 time the Board has on a case by case basis implemented
36 unit specific provisions either through regulatory
37 changes or special actions allowing the taking of
38 wildlife for cultural educational and religious programs
39 and ceremonies.

40

41 As of 2002/2003 regulatory year such
42 provisions exist for roughly half of the wildlife
43 management units, 13 out of 26 wildlife management units
44 around the state. Although there are not regulations
45 allowing for the take of fish for ceremonial purposes,
46 the Board has on three occasions authorized such taking
47 via special action. For example, the Board permitted the
48 harvest of 50 coho salmon for a memorial potlatch in
49 Sitka last year.

50

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1 While there is variation between these
2 unit specific regulations, the Board has required that
3 first of all, the harvesting of the resource does not
4 violate principals of fish and wildlife conservation and
5 that the following be provided to the appropriate Federal
6 land manager prior to taking the resource.

7
8 First of all, the information about the
9 activity and in the case of a funerary or mortuary
10 ceremony, the name or names of the decedents, reporting
11 of the species, sex, number, location and timing of the
12 harvest, the name and address of the harvesters. And
13 again, that was taken from the existing wildlife
14 permitting process that we have.

15
16 Furthermore, the Board has required that
17 the harvester be a qualified rural subsistence user for
18 the species and area in which the harvest occurs.
19 Additionally, in most cases, the appropriate Federal
20 manager must be notified prior to attempting the
21 resource.

22
23 As far as the background information, we
24 recognize that surveying of fish and wildlife is central
25 to Alaska Native ceremonial feasting. Such foods
26 reaffirm ethnic identity and the tie to the land and
27 resources. Fresh salmon and steelhead are available only
28 part of the year for many Alaska Natives, when available
29 they are an important food source for funerary or
30 mortuary cycles including memorial potlatches.

31
32 Most ethnographic descriptions of
33 potlatches focus on the ritual behavior of the
34 distribution of material wealth. Detailed documentation
35 of foods provided is rare. One exception is, Rifles,
36 Blankets and Beads by William Simeone. Simeone recorded
37 the offerings of pans of Copper River salmon at a
38 Tanacross Potlatch in the 1980s.

39
40 All fishing management areas have harvest
41 limits, time restrictions or both for some species of
42 fish. Statewide, most fish can be harvested by
43 subsistence users without restrictions and would not
44 require the use of this proposed revision if you can take
45 the fish and game under the existing regulations. The
46 proposed limit on salmon and steelhead would not equally
47 affect subsistence users in all parts of the state
48 because of the temporal and geographic distribution.
49 Steelhead have been documented along the Aleutian Chain
50 but data for their distribution in the Bering Sea is

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1 limited. Salmon are rare north of the Kotzebue Sound and
2 both are available in freshwater seasonally.

3

4 So under the effects of the proposal,
5 adoption of this proposed regulation change should have
6 minimal impacts on the salmon and steelhead populations.

7

8 So the preliminary Staff conclusion is to
9 support the proposal and the proposal would read, as it
10 does read in your book, and I would like to point out
11 that there's been one change made to the very first
12 sentence and that being you replace the word, and, with
13 or in the first sentence, so that it reads the taking of
14 fish from Federal waters is authorized outside of
15 published open seasons or harvest limits if the harvested
16 fish will be used for food and traditional religious
17 ceremonies, et cetera. So change that and to or.

18

19 That's all I have. I'd be happy to try
20 to answer any questions if I can, Mr. Chair.

21

22 CHAIRMAN NICHOLIA: Do we have any
23 questions for Jerry. I have a sense that we probably
24 would all support this proposal but I would like to hear
25 from the following, following our thing right here,
26 ADF&G, the State's comments on this.

27

28 MR. CAMPBELL: Mr. Chairman, members of
29 the Council. Again, for the record my name is Rod
30 Campbell, Alaska Department of Fish and Game, Commercial
31 Fisheries Division. On Proposal 27, our original Staff
32 comments are under Tab C, Page 42 in the Eastern Interior
33 booklet and I believe they're on Tab D, Page 56 under the
34 Western Interior Booklet. What I have to add to the
35 record is slightly different from that since these
36 comments were originally issued a couple months ago, I
37 believe.

38

39 Fish and Game, neutral on this proposal.
40 However, we would recommend that ceremonial harvest would
41 still be subject to some regulatory controls for
42 conservation purposes, perhaps a harvest limit by species
43 or time and area, along with some kind of timely
44 reporting mechanism. We certainly encourage timely
45 reports and limits, again they could be adjusted but we
46 feel it's important.

47

48 I'd also like to note, since this is a
49 statewide proposal, that it seems that in most areas, at
50 least statewide, fish can be harvested by subsistence

00065

1 users without restriction and would not require the use
2 of this proposal. I believe in most places in the state
3 they're able to get ample supply.

4

5 So those are all the comments that we
6 have, sir.

7

8 CHAIRMAN NICHOLIA: Okay. I believe this
9 would apply on the Yukon River because we're always being
10 restricted. No questions for the State person -- go
11 ahead, Benedict.

12

13 MR. JONES: Yeah, Benedict Jones,
14 Koyukuk. Under that proposal we didn't know that the
15 tribal -- the Koyukuk Tribal didn't know it was in effect
16 or proposed and during the funerary potlatch we asked to
17 harvest some fall chums and at the teleconference we were
18 denied that.

19

20 CHAIRMAN NICHOLIA: You got a response
21 for that?

22

23 MR. BERG: Yeah, I wasn't at that
24 teleconference. I don't know, was there a specific
25 request made to the Federal Subsistence Board for the
26 take of fall chum? Maybe Russ can add more specifics on
27 that. But if there wasn't, that's one option that you
28 could make a specific request through a special action or
29 if this proposal goes through then you could make a
30 special request for a permit. Do you have anything to
31 add Russ?

32

33 MR. JONES: Yeah, we asked the fish
34 managers the request for that taking of fish but we were
35 denied. Somebody told us just go ahead and do it and we
36 went out and -- but there was no fall chum at that time.

37

38 MR. HOLDER: Mr. Chairman. Mr. Benedict.
39 My name is Russ Holder, Federal fisheries manager on the
40 Yukon River. Under the State regulations that could not
41 be provided for. And under the Federal regulations your
42 request was submitted to the Federal Subsistence Board
43 and my best recollection is that that was provided for.
44 It did take a couple days in order to get that process to
45 occur and what I recall happening is that a letter was
46 faxed to Koyukuk authorizing the take of fall chum
47 salmon. I believe three individuals were named as
48 authorized fishermen to take fish and there was only one
49 -- I believe one of the fishermen harvested one or two
50 fall chum salmon, it was not very many.

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1 But this proposal that's before you right
2 now is to try to address so that the manager has the
3 ability to respond versus having to -- when I was called,
4 then having to send on your request to the Federal
5 Subsistence Board and having them react to it.

6
7 Thank you.

8
9 CHAIRMAN SAM: Yeah, Russ. Don't you
10 have the power to go ahead and authorize anything such as
11 this taking, harvesting, outside of the rules and
12 regulations?

13
14 MR. HOLDER: Mr. Chairman. Mr. Sam, at
15 this time I do not have the authority to authorize the
16 ceremonial taking of salmon during a closed time period.
17 That has to be -- at this time period, the way the
18 regulations are, that has to be acted on by the Federal
19 Subsistence Board.

20
21 CHAIRMAN SAM: Doesn't someone on the
22 river -- can't anyone on the river just go ahead and make
23 the call? I thought we already had that. I know we have
24 it for emergency closures but I thought there was someone
25 on the Yukon River, too, that could just make the call
26 and say just go ahead. I thought that was in place,
27 isn't it?

28
29 MR. HOLDER: Mr. Chairman. Mr. Sam,
30 that's what this proposal is trying to address. Because
31 currently that provision is not provided for and the way
32 this proposal is trying to address your concern so that
33 the in-season manager is able to make that call. Right
34 now, the in-season manager cannot do that.

35
36 CHAIRMAN SAM: So if people just don't
37 get the call they can just go ahead and fish anyway
38 because that's what I'm going to recommend to them, I
39 won't wait for anything, because heck, it's an emergency
40 and it doesn't last very long.

41
42 CHAIRMAN NICHOLIA: I think we're out of
43 order here you guys, we're supposed to adopt this.

44
45 MR. UMPHENOUR: Move to adopt.

46
47 MR. WILDE: Second.

48
49 CHAIRMAN NICHOLIA: Okay, is there any
50 other tribal governments or other agencies that want to

00067

1 comment to this. Go ahead Chuck.

2

3 MR. MILLER: Yeah, most of you already
4 know me and Tina, too.

5

6 REPORTER: (Nods affirmatively)

7

8 MR. MILLER: But the only comment I had
9 was the numbers, I didn't hear nothing mentioned on it
10 but the original proposal was like 25 salmon, is that
11 still what they have in this proposal too or is it?

12

13 MR. BERG: Yes, Miller, that's correct.
14 It's for 25 salmon or five steelhead would be what --
15 that's what's currently being proposed through this
16 proposal is to set that limit at being 25 salmon or five
17 steelhead.

18

19 MR. RIVARD: State your name.

20

21 MR. MILLER: Okay, just for the record my
22 name is Charles Miller. And the Wrangell SRC, when we
23 had our meeting last week, we had a little difference
24 there on the numbers. I mean most potlatch, 25 salmon
25 aren't going to go too far and I think we uped it to like
26 50 or 100, and I was just wondering how come it's not in
27 the book.

28

29 MR. BERG: Well, like I said, George
30 Sherrod did the Staff work on this and I don't know where
31 he came up with the 25 salmon or the five steelhead. And
32 you know it's certainly within the authority of the
33 Councils to make their recommendations to whatever they
34 feel like if they agree with those limits or if they
35 think the limits should be different.

36

37 CHAIRMAN NICHOLIA: Most potlatches that
38 I attend and put up, there's more than 25 salmon. It
39 depends on how much moose meat you get, how much fish you
40 have to cook. And I'd say that Chuck Miller's request to
41 us could be forwarded to the Board.

42

43 MR. MILLER: Thank you, Gerald.

44

45 MR. SMITH: Yeah, Mike Smith. Tanana
46 Chief's Conference. I think we can all pretty much
47 safely assume that the ceremonial taking of fish and game
48 is central to the culture and the religious practices of
49 Alaska Natives. And I think to unduly restrict that or
50 make it a burdensome process should be the last resort of

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1 infringement upon those religious freedoms and religious
2 rights.

3

4 Having said that, specifically in regards
5 to this proposal in front of us, if we are to go ahead
6 and go outside the seasonal limits, you know, just a
7 couple of points I guess I'd like to make.

8

9 One, you know, why not the methods and
10 means and areas as well. I mean assuming -- Ron had
11 mentioned that there might not be some chums in that
12 particular area, maybe they need to go elsewhere to get
13 them, but the -- so if we're going to go ahead and go
14 outside the seasons then also the means and the areas, we
15 might consider changing those as well.

16

17 Another thing that occurs to me is that
18 certainly the prior notification is contrary to numerous
19 cultural practices of certainly people from my area, the
20 middle Koyukuk River or middle Yukon River and Nulato
21 areas. We generally don't talk about going and getting
22 fish and game because it's contrary to our beliefs and we
23 believe has a tendency to hamper our luck in regards to
24 the taking of those species.

25

26 Additionally, we feel that the State of
27 Alaska is currently going under this same -- is
28 struggling with this same issue right now in regards to
29 the taking of game. Trying to -- and it would seem
30 logical to go ahead and try to come up with a proposal
31 that would fit both the Federal schemes and the State
32 scheme as well.

33

34 It also occurs to us that should somebody
35 -- and it kind of goes back to the idea that we think it
36 should probably be a tribal reporting requirement. If
37 the State is actually -- if their main concern is the
38 information as to what species, how many and where it was
39 got, that reporting can be done afterwards. It's our
40 understanding that this is primarily an enforcement issue
41 that the enforcement people have a problem with
42 investigating possible poaching activities or illegal
43 fishing activities as this case may be. We think that in
44 rural areas that could be easily remedied by a simple
45 call to the village council, the village council could
46 tell them if there was a ceremonial potlatch going on or
47 somebody has died and we're getting ready for that.

48

49 In regards to the urban areas, it might
50 be a little more difficult but we think that that's

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1 probably the majority of where these violations -- or
2 these proposed viol -- or perceived violations occur. If
3 that is the case then we don't think that it's too
4 burdensome for the Fish and Wildlife enforcement officers
5 to travel out to Chena Hot Springs Road where somebody
6 has dropped a moose and ask them what, exactly what's
7 going on.

8

9 One other thing is that if somebody was
10 to get arrested for a violation of this and claim it to
11 be a ceremonial taking for a moose -- a ceremonial taking
12 for a potlatch, the determination as to legitimacy of
13 that ceremony would be up to the tribe and the tribe
14 makes that determination and therefore we think that it's
15 probably the tribe that should do the reporting
16 requirements on it as well.

17

18 Now, Fish and Game or the enforcement
19 officers have often said, well, you know, people don't
20 report when they go do this and so we don't really know
21 what's going on. I think that if you put the burden on
22 the individual people who are doing the hunting that
23 that's not going to improve the situation. We feel that
24 the tribe who would oversee such activities is in a
25 better position to provide a consistent information back
26 to the various departments on what was taken and where it
27 was harvested.

28

29 With that all in mind, I guess we would
30 once again just to reiterate, prior notice is contrary to
31 a lot of our religions. We think that the ceremonial
32 taking of fish and game for ceremony purposes is a
33 determination of the tribal councils and should be in
34 their hands. Additionally, we think also that it should
35 be a comprehensive proposal that is statewide, that would
36 fit both the State and Federal regulatory schemes.

37

38 What this is going to end up being, in
39 our view, is kind of a hodgepodge method of determining
40 what is or is not a ceremonial taking. Certainly the
41 State requirements are now gearing -- headed toward the
42 establishment of specific ceremonies that are going to be
43 allowed under this. We see it in the game regulations
44 where they allow moose for Necheloya and Stickdance and
45 so it's more of a specific okay for the tribes to take
46 game. And we don't think that that's necessarily the
47 correct way to approach this in the sense that many
48 cultures are -- our cultures are evolving, that to have
49 the State authorize a ceremonial activity within State
50 statutes is contrary to the rights of tribes to self-

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1 determination and the practice of their religious
2 freedom.

3

4 And with that, I guess also we have
5 developed a specific proposal because we're trying to
6 develop one that would fit both the State and Federal
7 schemes. And trying to do that is, of course, as you can
8 imagine is relatively rough but we're trying.

9

10 CHAIRMAN NICHOLIA: Go ahead, Tricia.

11

12 MS. WAGGONER: I appreciate your
13 comments, Mike. I'd like you to encourage expand your
14 definition. A discussion came up last week on steambath
15 rocks and other subsistence resources for ceremonial
16 purposes, so I'd like to see, you know, if you guys move
17 forward and expanding that even further.

18

19 MR. SMITH: Well, I mean I think that's
20 kind of the point, is, we're kind of doing this by
21 species specific efforts when, in fact, we probably
22 should do it on a more broad scale because not only the
23 rocks, but we're talking shellfish activities, other
24 marine mammals possibly, other fish and game, caribou,
25 you know, the whole nine yards. So a more comprehensive
26 approach should be undertaken to try to come up with a
27 statewide position that we can both live with in the
28 State and Feds.

29

30 CHAIRMAN NICHOLIA: Excuse me, we'll just
31 stay to the fisheries subjects.

32

33 MR. SMITH: Yes, sir.

34

35 CHAIRMAN NICHOLIA: I believe we could
36 say that for the, especially in the Yukon area, that it's
37 going to take more than 25 salmon to feed a hundred, 200,
38 300 and 500 people for a potlatch. Especially for the
39 one that's going on in Tanana right now. A lot of people
40 are going to be giving up their winter fish for this
41 potlatch and it's not going to be looking good for -- I
42 wish this would have come out a year ahead, before or
43 something.

44

45 But mentioning something before you do to
46 hunt, we don't usually do that in our culture. We
47 understand that, I think most of these two boards
48 understand that.

49

50 What Chuck Miller said earlier is that

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1 it's going to take more than 25 fish. And so if it was
2 to be any recommendation of mine to the Federal
3 Subsistence Board, 25 plus fish, especially for the Yukon
4 area, because it will be up -- it may be up to the tribal
5 council or something. There's a difference between
6 Tanana and Rampart, there's more people in Tanana. Maybe
7 Rampart might need 25 fish but I don't think Tanana will
8 be able to put on a two day potlatch with just 25 fish.
9 Because it's too hard to get everything -- other kind of
10 resources to put it on.

11

12 That would be my recommendation. Go
13 ahead, Virg.

14

15 MR. UMPHENOUR: I'd like to ask the Staff
16 at the top of Page 38 where it says no more than 25
17 salmon or five steelhead may be taken, what if that part
18 was just deleted, everything after that semicolon that
19 says will occur, unless you want to leave the five
20 steelhead in? On the Eastern Interior book it would be
21 at the top of Page 38 where it describes -- well,
22 actually it starts at the bottom of Page 37 where it
23 says, A, the person or designee and then it -- down at
24 the bottom it says, the species and the number of fish to
25 be taken, they want that to be in the -- whenever they
26 request this permit or whatever you're going to call it,
27 you've got there the number of fish taken and then at the
28 end of it you say no more than 25 salmon or five
29 steelhead may be taken. I think each individual potlatch
30 is going to require a different number of fish and so
31 what if you just deleted that part and left the number of
32 fish to be taken because they'll have an idea of how many
33 fish they want to take. Would that cause any heartburn?
34

35 MR. RIVARD: Don Rivard, Office of
36 Subsistence Management. What this proposal is doing is
37 it's not limiting the number of fish that you can request
38 to be taken. What this is doing is putting a limit on
39 the number that the Federal in-season manager can
40 authorize without having to go through the Board on his
41 own. If it's more than 25 then it has to go through the
42 current process of going to the Board for approval.
43

44 So we're not -- it's not an intent to
45 limit the amount of fish that's requested for a
46 ceremonial purpose, it's just saying that the Federal in-
47 season manager, for example, Russ, you could go directly
48 to him and he would have the authority to authorize up to
49 25. Again, if it goes beyond that then it has to go
50 through the regular process of going through the Board

00072

1 and the Board would approve the number of fish or
2 disapprove, whatever they may decide.

3

4 Does that help clarify things?

5

6 MR. UMPHENOUR: Well, I understand what
7 you just said and I already understood that. I think
8 that the in-season -- my question is this, why can't the
9 in-season manager just authorize how many they need,
10 maybe it's 50 fish, why do you have to go through the
11 extra bureaucracy of taking it before the Federal
12 Subsistence Board, especially in a situation where it
13 would depend on the potlatch, but in a situation where
14 you have time restraints because someone just died and
15 they're going to have a potlatch for them and you need to
16 go catch fish right then, you don't have time to wait to
17 go through the bureaucratic pile of whatever you're going
18 to have to do to get special action requests done.

19

20 I mean he should have the emergency order
21 authority to just do it.

22

23 MR. BERG: Peggy's getting up to the
24 table, I don't know if she wants to comment, too. I mean
25 those are good comments and your Council is certainly
26 welcome to make a recommendation what you think is
27 appropriate. I do have some recommendations that came
28 from some of the other Councils that have already met on
29 this issue if you'd like to hear those, I'd be happy to
30 share those with you.

31

32 MR. UMPHENOUR: Well, to stimulate
33 discussion and find out what everyone here thinks about
34 it. I would like to make a motion and that would be to
35 delete the part that says no more than 25 salmon or five
36 steelhead may be taken.

37

38 CHAIRMAN SAM: I second it.

39

40 CHAIRMAN NICHOLIA: Could you take a
41 friendly amendment?

42

43 MR. UMPHENOUR: Take a friendly
44 amendment.

45

46 CHAIRMAN NICHOLIA: It says to delete
47 that part and then leave it up to the village tribal
48 council. Because take Tanana as an example, we send
49 three groups of hunters out, they all got three moose and
50 they were going to send more out but we stopped them.

00073

1 See, our tribal council pretty much takes care of what's
2 going on. And I think it should be noted in here
3 somewhere, since it's mostly tribal people that put on
4 these funerary potlatches, this way with moose and fish,
5 tribal councils should be included in here somewhere.
6 Leave it up to the tribal council, because they know how
7 much people is coming and they know how much people is
8 going to be sitting there at that potlatch. That's how
9 we prepare for it, like that. And just delete that part
10 and leave it up to the individual tribal council to see
11 how much fish should be allowed.

12

13 MR. MIKE: Thank you, Mr. Chair. Just in
14 fairness to the public process, I think we need to stick
15 with the proposal review and procedures. We haven't gone
16 through any other agency comments or advisory committee
17 comments and public and written public comments and the
18 Council have a chance to deliberate and made
19 recommendations and justifications at the end.

20

21 Thank you, Mr. Chair.

22

23 CHAIRMAN NICHOLIA: So Jerry, we would
24 like to hear those other comments.

25

26 MR. BERG: Okay, Mr. Chairman. The
27 Bristol Bay Council, Proposal 27 was adopted by the
28 Bristol Bay Council. The proposal would allow the harvest
29 of fish outside of open seasons for traditional
30 ceremonies. And it doesn't look like they made any
31 changes. They just adopted it as you see it there.

32

33 The Kodiak/Aleutians Council did
34 something similar to what you're talking about right
35 here. They removed the provision to require that you
36 name the decedents, the nature of the ceremony, the
37 parties and/or clans involved, the species and the
38 numbers of fish to be taken. They struck all that out
39 and they struck the last sentence that Virgil also just
40 mentioned. They struck that out in this. And then
41 that's under A, the portion A. And then under C, they
42 struck out again, the requirement to name the decedent
43 and so that was their recommendation.

44

45 Northwest Arctic Council took no action
46 on this proposal because they did not see a need for it
47 in their region.

48

49 North Slope Council, motion to support
50 the Staff recommendation and the motion carried. So they

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1 supported it as you see it written there.

2

3 So two Councils supported it, Bristol Bay
4 and North Slope. Kodiak/Aleutians took action to do
5 something similar to what you're talking here but they
6 went a little bit further. And there was no action by
7 Northwest Arctic.

8

9 So that's it, Mr. Chair.

10

11 CHAIRMAN NICHOLIA: I'd like to recognize
12 that Micky Stickman showed up. So we had a motion and a
13 second, do we have to vote on that friendly amendment to
14 the motion or just adopt it like that?

15

16 CHAIRMAN NICHOLIA: Go ahead, Donald.

17

18 MR. MIKE: Mr. Chairman, we haven't gone
19 through any other public comments, we have other agency
20 comments. Particularly the Wrangell-St. Elias SRC,
21 summary of written public comments to be read into the
22 record and any public testimony.

23

24 But anyway, that's -- I think we'll need
25 to discuss the motion we have on the table right now.

26

27 CHAIRMAN NICHOLIA: Question hasn't been
28 called yet.

29

30 MR. MIKE: Okay.

31

32 CHAIRMAN NICHOLIA: We can listen to the
33 agency comments and the St. Elias now.

34

35 MR. MIKE: Okay. Mr. Chairman. The
36 Wrangell-St. Elias Subsistence Resource Commission, they
37 sent a letter on the proposal and it's part of your
38 packet, the ones that I passed out this morning.

39

40 On Proposal 27, the Wrangell-St. Elias
41 National Park Subsistence Resource Commission supports
42 this proposal with modification, that the organizer or
43 designee of the ceremony request the number of fish
44 needed from the in-season manager. The in-season manager
45 will consider the guidelines of the proposal.

46

47 Thank you, Mr. Chair.

48

49 CHAIRMAN NICHOLIA: And that's all the
50 other agency comments, Subsistence Resource comments we

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1 have?

2

3 MR. MIKE: Yes, on Proposal 27.

4

5 CHAIRMAN NICHOLIA: And there's no public
6 written comments?

7

8 MR. MIKE: Mr. Chairman. Public written
9 comments is found in your Eastern Interior book on Page
10 42. Written public comments received from the Cordova
11 District Fishermen United. They support with
12 modification. To enable enforcement and to account for
13 resource removals, CDFU supports modification of Section
14 D to require a permit specifying the harvesters name and
15 address, the number and species of fish to be taken, the
16 date and location of the harvest as well as the name of
17 the decedent for each person harvesting under this
18 regulation. This would result in the need to delete
19 Section C. Harvest reporting should be required within a
20 reasonable period of time and there should be a limit of
21 one permit issued for each specific traditional religious
22 ceremony.

23

24 That's all the written public comments.

25

26 Thank you, Mr. Chair.

27

28 CHAIRMAN NICHOLIA: Is there any public
29 testimony? I don't see none up here. Go ahead, Virg.

30

31 MR. UMPHENOUR: Thank you. Your friendly
32 amendment, Mr. Chair. If you look on Page 37, A, it says
33 the person or designee organizing the ceremony and so
34 that could be the tribal representative or it could be
35 anyone, it's whoever's going to organize the ceremony.
36 So I don't know if we need the friendly amendment or not.
37 And so I just wanted to point that out.

38

39 CHAIRMAN NICHOLIA: It is mostly the
40 tribal people that mostly take care of this stuff. Like
41 in the Tanana area it is.

42

43 MR. UMPHENOUR: Right, I know that. But
44 I don't know if it's necessary to say that or not because
45 of the way that it's already worded is the only thing I
46 was pointing out.

47

48 CHAIRMAN NICHOLIA: Because some people
49 misunderstand these regulations. Some people don't
50 really understand the Athabascan culture, it has to be

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1 written right in there sometimes, the person, designee or
2 organization or tribal government that is organizing the
3 ceremony. Because it has to be in there, if it ain't in
4 there they're just going to manipulate that tribal
5 government. It wouldn't be the agency from the Federal
6 or a State agency, it would be another person who totally
7 doesn't understand our culture and there area a lot of
8 them out there.

9

10 MR. UMPHENOUR: Do you have exactly
11 substitute language that you want then worked out?

12

13 CHAIRMAN NICHOLIA: Right there, the
14 person or designee or tribal government organizing the
15 ceremony contacts the appropriate State land -- Federal.

16

17 CHAIRMAN SAM: Then it would read the
18 person or designee or tribal councils?

19

20 CHAIRMAN NICHOLIA: Tribal government.

21

22 CHAIRMAN SAM: Tribal government.

23

24 MR. UMPHENOUR: Question on the
25 amendment.

26

27 CHAIRMAN NICHOLIA: It's been moved,
28 seconded, question, all in favor of the amendment signify
29 by saying aye.

30

31 IN UNISON: Aye.

32

33 CHAIRMAN NICHOLIA: All opposed same
34 sign.

35

36 (No opposing votes)

37

38 CHAIRMAN NICHOLIA: The amendment passes,
39 we'll deal with the proposal as amended.

40

41 MR. UMPHENOUR: Okay, procedurally, that
42 was a friendly amendment to my amendment and so we just
43 voted on the amendment to the amendment so now we need to
44 discuss and vote on my amendment which was to delete
45 everything after that semicolon in paragraph A, which
46 reads the part that would be deleted would be no more
47 than 25 salmon or five steelhead may be taken. So my
48 amendment is to delete that part of it and allow the area
49 manager, Mr. Holder in this case for the Yukon, he would
50 be the person that would determine or would approve the

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1 permit for however many salmon are necessary for the
2 ceremony and not have to go through the Federal
3 Subsistence Board; that's what that would do and
4 eliminate a bunch of bureaucracy.

5
6 CHAIRMAN SAM: With the consent of the
7 second, yes, I go along with that. Again, whenever you
8 attempt to micro-manage you create problems, you know.
9 It should be a given, I think that you allow this harvest
10 and anytime you micro-manage, you start going to area to
11 area and then village to village, I think that number
12 should just totally be deleted and that's the way I'm
13 voting.

14
15 Thank you.

16
17 Question.

18
19 CHAIRMAN NICHOLIA: It's been moved,
20 seconded, question. All those in favor of Virgil's
21 amendment signify by saying aye.

22
23 IN UNISON: Aye.

24
25 CHAIRMAN NICHOLIA: All opposed same
26 sign.

27
28 (No opposing votes)

29
30 CHAIRMAN NICHOLIA: Okay, now we do the
31 proposal itself.

32
33 MR. UMPHENOUR: I'll be in support of the
34 amended proposal No. 27.

35
36 Thank you.

37
38 CHAIRMAN SAM: Wasn't there a prior one?

39
40 CHAIRMAN NICHOLIA: Virgil moved and you
41 seconded and then the question.

42
43 CHAIRMAN SAM: Second and call for the
44 question.

45
46 CHAIRMAN NICHOLIA: It's been moved,
47 seconded, question. All those in favor of the amended
48 Proposal 27 signify by saying aye.

49
50

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1 IN UNISON: Aye.

2

3 CHAIRMAN NICHOLIA: All opposed same
4 sign.

5

6 (No opposing votes)

7

8 CHAIRMAN NICHOLIA: Motion carries. The
9 proposal is adopted. We'll move to Proposal 28.

10

11 MR. BERG: Mr. Chairman, you'll find
12 Proposal 28 on Page 57 in the Western Interior book and
13 Page 43 on the Eastern Interior book. Now, if I can just
14 find my notes for this one.

15

16 Fisheries Proposal No. 28 was submitted
17 by the Office of Subsistence Management and it would
18 streamline the Federal Subsistence Board's special action
19 process for in-season fisheries special actions. This is
20 the same process that was used on both the Yukon and
21 Kuskokwim Rivers this past season for the first time.
22 Under this proposal the in-season special actions would
23 be issued only when Federal management actions differ
24 from State management actions. This allows State
25 emergency orders to also apply to Federal waters in
26 instances where the State and Federal managers are in
27 agreement on management decisions.

28

29 Federal in-season managers would retain
30 the authority to issue special actions for different
31 management actions on Federal waters if needed at any
32 time.

33

34 The Regional Councils, coordinating
35 fisheries committee and the public would continue to be
36 involved in the Federal decision-making process. A
37 designated Federal fisheries manager would continue to
38 consult with Council members and others involved with in-
39 season fisheries when developing management
40 recommendations for all State issued emergency orders.
41 Additionally, Regional Advisory Council members or the
42 public can appeal management decisions at any time if
43 they feel it's necessary.

44

45 So why do we want to streamline our in-
46 season fisheries action process? One reason is that it
47 would eliminate redundancy in issuing special actions
48 which basically say the same thing, that's already said
49 in an EO. A joint new release would still be issued with
50 ADF&G and Fish and Wildlife Service logos on it. So

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1 we're just trying to minimize the amount of paperwork and
2 redundancy in the process.

3

4 The normal special action process
5 requires that each change made in fishery management
6 occurs through issuing a special action. On the Yukon
7 River, for example, in the 2001 season 27 special actions
8 were initiated by the Federal managers, 26 of these were
9 identical to the State emergency orders. However, in the
10 trial year, this past season, there were over 50 news
11 releases issued in the Yukon area and five joint news
12 releases issued in the Kuskokwim area, just for the trial
13 season for the streamlining process. And so that was 50
14 special actions that didn't have to be written on the
15 Yukon alone due to this trial year that we had.

16

17 Another reason to use this streamlined
18 approach is to reduce confusion. There was some
19 confusion during the 2001 fishing season with rapidly
20 evolving fisheries. At times one special action was
21 being published when another one was going into effect
22 just because of the timing that it took to get all the
23 paperwork done.

24

25 Adopting this proposal would prevent us
26 from having to write and publish unnecessary fisheries
27 special actions when we all agree with the State issued
28 emergency order. It saves time and effort that could be
29 better spent elsewhere. And as you know, in 2002 the
30 Federal Subsistence Board approved a temporary one year
31 streamlining of special action process on the trial basis
32 for both the Yukon and the Kuskokwim.

33

34 Last year we came to all three Councils
35 on the Yukon and Kuskokwim and asked if you would support
36 this streamlining effort and last year all three Councils
37 did agree with this approach and the Federal Subsistence
38 Board approved it for this past season only.

39

40 Informal consultation with in-season
41 managers for the Yukon and Kuskokwim Rivers indicates
42 that the streamlined special action approach is working
43 well and it appears that the coordination and cooperation
44 between Yukon areas State and Federal managers is in
45 place and the streamlining is working.

46

47 For other areas of the state, this
48 streamlining process may be premature. One reason some
49 folks have given us that the statewide proposal may be
50 premature is that currently there is a Federal/State

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1 working group working on developing a protocol for
2 handling in-season fisheries special actions based on the
3 streamlining efforts used on the Yukon and Kuskokwim this
4 past year. Results from the 2002 fishing season have not
5 been fully evaluated but the hope that is that the
6 success of what has happened on the Yukon and Kuskokwim
7 can be built into the protocol by the 2003 fishing
8 season.

9

10 So the preliminary Staff conclusion is to
11 support the proposal with the modification to maintain
12 the streamlining process only for the Yukon and Kuskokwim
13 regions at time because we have seen that it works here
14 and we'd like to go ahead and implement that on a
15 permanent basis for those two systems and then move
16 forward from there for the rest of the state.

17

18 And so that's all I have, Mr. Chair, I'd
19 be happy to try to answer any questions. And I think
20 Russ Holder may have a few comments on how it has worked,
21 in his opinion this past season.

22

23 CHAIRMAN NICHOLIA: Yeah, go ahead Russ.

24

25 MR. HOLDER: Thank you, Mr. Chairman. My
26 name is Russ Holder. I'm the Federal fisheries manager
27 for the Yukon River for Fish and Wildlife Service. Thank
28 you for the opportunity to comment on Fisheries Proposal
29 28.

30

31 As the Federal fisheries manager for the
32 Yukon River, I support this regulatory proposal. During
33 this era of dual management authority, State and Federal
34 managers have worked hard to decrease public confusion
35 regarding fishery management actions. This cooperation
36 is seen by the public when we issue joint news releases
37 announcing agreed upon management actions. The Federal
38 legal document, which actually temporarily changes the
39 regulations being announced in the news release are the
40 Federal special action which is similar to the State
41 emergency order.

42

43 One issue being addressed by this
44 proposal is when State and Federal managers are in
45 agreement about a management action, the Federal special
46 action process is largely a duplicate administrative
47 record and the general public doesn't see or really care
48 about the legal documents. The typical time frame
49 doesn't allow for the required newspaper publication and
50 the publication of the action in the Federal Register is

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1 often weeks or months after the action occurred thereby
2 not fulfilling the purpose of informing the public at
3 large in a timely manner.

4

5 A second issue is a large amount of Staff
6 time required both management and administrative Staff to
7 process Federal special action. In testing out the
8 streamlining approach during the 2002 fishing season, my
9 assistant and I were able to spend more time actually
10 focusing on assessing the salmon runs and working with
11 State managers on solving fishery issues.

12

13 The streamlining approach still requires
14 an administrative record be produced by the Federal
15 manager but the record is more of a memorandum of
16 concurrence to the file rather than a legal document.

17

18 Changing the Federal administrative
19 requirement as proposed does not alter, change or in any
20 way diminish Federal management authority. A Federal
21 special action could be issued if Federal and State
22 managers disagree. The basis for disagreement would
23 likely be based on providing for either escapement
24 objectives or the subsistence needs of Federally-
25 qualified users fishing in Federal waters.

26

27 It is my request that you support
28 Fisheries Proposal 28 as recommended and modified by
29 Staff limiting the acting portion of this to the Yukon
30 and Kuskokwim Rivers. The streamlining process worked
31 well during the trial period of 2002. It reduced
32 confusion for subsistence fishers. It allowed more
33 productive use of Staff time and I believe it has
34 assisted in improving our working relationship with our
35 State counterparts.

36

37 I did want to clarify one statement Mr.
38 Berg made, in that, the 50 joint news releases which were
39 issued this year probably would have equated out to close
40 to 30 special actions having to be written. It would not
41 have been actually 50 special actions to be written
42 there.

43

44 That concludes my comments.

45

46 Thank you very much.

47

48 CHAIRMAN NICHOLIA: Before we go any
49 further, is anybody's going to adopt this proposal?

50

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1 MR. UMPHENOUR: Move to adopt.

2

3 CHAIRMAN SAM: Second.

4

5 CHAIRMAN NICHOLIA: Any questions for
6 these two. Go ahead, Ron.

7

8 CHAIRMAN SAM: Again, Mr. Holder, going
9 back to our last proposal which we just passed, why
10 wasn't there authority to grant stuff like that when you
11 can grant other stuff on this proposal, you know? But I
12 am in favor of getting more power and authority to in-
13 season managers. That's what I was going for in the last
14 proposal so I intend to support this proposal.

15

16 CHAIRMAN NICHOLIA: Okay, it's moved and
17 seconded. Just moving from the start, is with the Staff
18 recommendation -- I mean I'm asking my motion mover?

19

20 MR. UMPHENOUR: Well, it's a Staff
21 proposal, so naturally they support it and I support it
22 as well.

23

24 CHAIRMAN NICHOLIA: I mean Virgil, is
25 that, you move to support this proposal with the Staff
26 recommendation?

27

28 MR. UMPHENOUR: Well, I just put the
29 proposal -- I moved that we adopt the proposal because
30 that's what we have to do by procedure. But I do support
31 the proposal.

32

33 CHAIRMAN NICHOLIA: Go ahead, Jerry.

34

35 MR. BERG: There is a difference between
36 what the proposal is for a statewide adoption of the
37 streamlining process. The Staff recommendation is to
38 adopt the proposal but only for the Yukon and Kuskokwim
39 areas at this time.

40

41 MR. UMPHENOUR: So do we need to make an
42 amendment then?

43

44 CHAIRMAN SAM: I don't think so. I think
45 you would just make your motion to adopt Staff
46 recommendation only Yukon and Kuskokwim.

47

48 CHAIRMAN NICHOLIA: Go ahead, Jack.

49

50 MR. UMPHENOUR: Yeah, I think I already

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1 made the motion to move to adopt, I'm not sure.

2

3 CHAIRMAN NICHOLIA: There's a big
4 difference when you say you move to adopt the proposal,
5 you're adopting it without the Staff recommendation,
6 you're adopting the whole proposal as it is written with
7 not the Staff recommendation. That's why I brought that
8 up.

9

10 MR. UMPHENOUR: Well, someone here must
11 be the procedure expert and we either need to adopt --
12 just adopt the proposal or we need to amend the proposal
13 and then adopt the amended proposal, one or the other.
14 So I don't know who.....

15

16 CHAIRMAN NICHOLIA: Ida, get up there.

17

18 (Laughter)

19

20 MS. HILDEBRAND: Thank you, Mr. Chairman.
21 Ida Hildebrand, BIA Staff Committee member. The motion
22 is to adopt the proposal. But the mover can, you can
23 amend your own motion that -- or clarify your motion that
24 you are moving to adopt the proposal as modified in the
25 Staff recommendation and that would take care of the vote
26 in one motion, if that's your intent.

27

28 MR. UMPHENOUR: Thank you. That's my
29 intent.

30

31 CHAIRMAN SAM: And the second's.

32

33 CHAIRMAN NICHOLIA: Jack.

34

35 MR. REAKOFF: It's all clear.

36

37 CHAIRMAN SAM: Question.

38

39 MR. REAKOFF: Question.

40

41 CHAIRMAN NICHOLIA: It's been moved,
42 seconded, question's called. All those in favor of
43 Proposal 28 as recommended by the Staff, signify by
44 saying aye.

45

46 Yeah.

47

48 MR. CAMPBELL: Yes, Mr. Chairman, Council
49 members. Again, for the record my name is Rod Campbell.
50 Alaska Department of Fish and Game, Division of

00084

1 Commercial Fisheries.

2

3 And since we're in the clarification
4 mode, I'd just like to make a comment. We have -- our
5 Fish and Game comments in the Eastern Interior booklet
6 are under Tab C, Page 52, I believe and under the Western
7 Interior, Tab D, Page 66. And those comments -- the
8 first point of clarification is that they were written
9 based on and pertain to the original proposal, as
10 written, for statewide implementation. So if there is
11 some wording in there that may not seem to fit that's
12 what those comments were geared for.

13

14 With that said, the Department does
15 support streamlining special action processes where these
16 special actions would only be issued by the in-season
17 Federal managers if these actions differed from the
18 State. Again, I think that would relieve a lot of
19 confusion with the public and all the user groups.
20 Again, under this proposal, State emergency orders would
21 apply to Federal waters in instances where the State and
22 Federal managers agree, only where they agree on
23 subsistence fishing management actions.

24

25 Again, as Russ pointed out, this would
26 encourage a more coordinated management approach for both
27 the State and Federal managers and it would reduce the
28 duplication of effort and confusion for the public and
29 for the Staff and we certainly do support that. And,
30 again, just to reiterate that this would be only for
31 identical management actions. Again, if there was a
32 difference between the State and Federal actions, our
33 understanding is the Federal managers would issue their
34 own special actions.

35 And also just to add to the
36 clarification, there is a second paragraph on our
37 comments that does expand some of our comments a little
38 broader approach to this for you to read. For my
39 comments to the record I will just stick with the
40 comments to this specific proposal and certainly
41 appreciate your time.

42

43 CHAIRMAN NICHOLIA: Any questions for
44 him. Do we have any tribal governments or agencies that
45 want to comment to this proposal? Fish and Game Local
46 Advisory Committees -- what's up Donald?

47

48 MR. MIKE: Yeah, the Wrangell-St. Elias
49 Subsistence Resource Commission comment on Proposal 28.
50 This proposed regulation would streamline the Federal

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1 special action process. In-season special action would
2 only be issued in cases where Federal management action
3 differ from State management actions.

4

5 Thank you, Mr. Chair.

6

7 CHAIRMAN NICHOLIA: Okay, we don't got no
8 comments from any local advisory committees. Looks like
9 we have one written public testimony here, Donald.

10

11 MR. MIKE: Thank you, Mr. Chair. The
12 Cordova District Fishermen United supports this proposal
13 in the interest of clarity and consistency. This
14 regulation will require collaboration and cooperation
15 between State and Federal managers resulting in benefits
16 to the resource, managers and users.

17

18 Thank you, Mr. Chair.

19

20 CHAIRMAN NICHOLIA: We already
21 deliberated on this, it's already been seconded, already
22 the question's been called. All those in favor of
23 adopting this Proposal 28 as modified by the Staff
24 Committee signify by saying aye.

25

26 IN UNISON: Aye.

27

28 CHAIRMAN NICHOLIA: All opposed same
29 sign.

30

31 (No opposing votes)

32

33 CHAIRMAN NICHOLIA: Motion carried. Now,
34 do we have a motion to adopt Proposal -- Fisheries
35 Proposal 03-2.

36

37 MR. UMPHENOUR: Move to adopt.

38

39 MR. BERG: Yes, Mr. Chairman, I'll be
40 addressing this proposal as well. Proposal 2 can be
41 found on Page 75 in your Western Interior book and Page
42 91 in your Eastern Interior book.

43

44 Fishery Proposal 03-02 was submitted by
45 the Association of Village Council Presidents. And it
46 requests the use of rod and reel to harvest salmon in
47 Yukon River tributaries 24 hours a day, seven days a week
48 unless already specifically restricted in regulation.

49

50 This proposal would allow the use of rod

00086

1 and reel to harvest salmon in Federal waters of Yukon
2 River tributaries during scheduled closed periods for
3 subsistence salmon fishing. This would apply to both the
4 subsistence schedules surrounding commercial openings and
5 the relatively new subsistence schedules put into place
6 over the past couple of years.

7

8 In October of 1999 the Federal
9 Subsistence fishing regulations were established from
10 existing State subsistence fishing regulations except
11 that Federal regulations also allow the use of rod and
12 reel as legal method in most areas. Prior to 2001,
13 subsistence fishing in the Yukon River drainage was
14 generally open seven days a week until the commercial
15 fishing season opened. Once the commercial fishing
16 season opens, subsistence fishing was either closed
17 before, during or after commercial periods such as in
18 Districts 1 through 3 and 4A or subsistence fishing was
19 concurrent with commercial fishing periods in
20 subdistricts 4B and C and 5A, B and C. These regulations
21 continue to apply in-season when commercial fishing
22 periods are announced.

23

24 In addition to these scheduled closures
25 in both State and Federal regulation, the Alaska Board of
26 Fisheries adopted a reduced subsistence fishing schedule
27 in January of 2001. This new schedule also applies to
28 Federal waters and includes all methods as agreed to
29 under the terms of the Federal/State interim memorandum
30 of agreement. This new reduced subsistence fishing
31 schedule has been implemented in late May and is applied
32 chronologically by district consistent with the migration
33 of salmon. Both schedules apply to all methods including
34 rod and reel.

35

36 While subsistence fishing schedules close
37 the harvest of salmon by all methods, sportfishing for
38 salmon in the Yukon River tributaries is generally
39 allowed seven days a week with various bag limits for
40 salmon throughout the drainage.

41

42 Yukon River chinook, summer chum and fall
43 chum salmon have been identified as stocks of concern by
44 the Alaska Board of Fisheries. Under the Yukon River
45 king salmon management plan, salmon are being managed
46 according to the reduced subsistence fishing schedule.
47 The intent of the schedule is to provide closed periods
48 during which salmon can pass with reduced fishing
49 pressure to spread subsistence fishing opportunity
50 throughout the drainage and to improve escapement.

00087

1 Similar reductions in subsistence fishing
2 time have been implemented in the Kuskokwim River
3 drainage but the schedule there only applies to nets and
4 fishwheels, subsistence fishing with rod and reel in the
5 Kuskokwim River drainage is allowed seven days a week, 24
6 hours a day in both State and Federal regulations.

7
8 There are a few specific Federal
9 regulatory restrictions in place for various headwater
10 streams within the Yukon River drainage. This proposal
11 would not change these restrictions for areas where
12 salmon spawn and generally have easy access that could
13 lead to greater conservation risks.

14
15 The average annual subsistence harvest
16 over the past 10 years in the Alaska portion of the Yukon
17 River was almost 278,000 salmon. It's not known how many
18 of these salmon are caught by rod and reel but it's
19 likely a very low percentage of the overall harvest.
20 Yukon River residents have traditionally harvested salmon
21 using rod and reel, however, the vast majority of salmon
22 in the Yukon River are harvested using drift and set
23 gillnets and fishwheels.

24
25 If adopted, this proposal would benefit
26 subsistence fishermen who use rod and reel to harvest an
27 occasional fresh salmon in Federal waters of Yukon River
28 tributaries. Subsistence fishermen using rod and reel in
29 Federal water tributaries would be allowed to harvest
30 salmon with rod and reel during the subsistence fishing
31 scheduled closures.

32
33 Although chinook, summer chum and fall
34 chum are being managed conservatively to help rebuild the
35 runs in the Yukon River, the few salmon likely to be
36 taken by rod and reel would not likely result in a
37 substantial increase in the overall harvest of these
38 fish. The scheduled closures by district are most
39 applicable to subsistence net and fishwheel fisheries
40 used by the vast majority of subsistence fishermen.

41
42 If this regulation were only applied to
43 the tributaries to the Yukon River drainage it would
44 create a more complicated and confusing set of
45 regulations. There is little, if any, rod and reel
46 subsistence fishing in the mainstem of the Yukon River,
47 however, allowing rod and reel use throughout Federal
48 waters in the entire drainage, including the mainstem
49 would make regulations easier for everyone to understand.
50 This proposal, if adopted, would create a difference

00088

1 between Federal and State subsistence regulations for the
2 Yukon. A proposal could be submitted to the Board of
3 Fisheries to address this issue in State regulations.

4

5 The proposal may help bridge the gap
6 between subsistence and sport user groups. The proposed
7 regulation would allow subsistence fishing with rod and
8 reel seven days a week similar to the State's
9 sportfishing regulations, except that subsistence
10 fishermen would not be subject to the harvest limit
11 unless superseded by a separate special action in-season.

12

13 If adopted, it is recommended that a
14 system be established to monitor the subsistence salmon
15 harvest by gear type similar to the harvest data
16 collection methods used in the Kuskokwim River area.
17 This would help assess any potential concerns, especially
18 if salmon harvested by rod and reel become large enough
19 to adversely impact small discreet stocks in tributary
20 streams.

21

22 The Staff recommendation is to support
23 the proposal with the modification to include all Federal
24 waters in the Yukon River drainage not just the
25 tributaries, so it would apply to all Federal waters in
26 the Yukon River drainage.

27

28 That's all I have, Mr. Chair. I'd be
29 happy to try to answer any questions any of you may have.

30

31 CHAIRMAN NICHOLIA: Are there any
32 questions. ADF&G.

33

34 MR. VANIA: Thank you, Mr. Chairman. My
35 name is Tom Vania with Alaska Department of Fish and
36 Game, Commercial Fisheries Division providing comments on
37 Proposal No. 2. ADF&G comments are for the Eastern RAC,
38 Tab C, Page 97 and for the Western RAC, they're on Page
39 81.

40

41 The Department is neutral on this
42 proposal at this time but we do note the concern that it
43 would cause further diversions between State and Federal
44 regulations. I say further in that State regulations now
45 only allow rod and reel to be used in the AVCP region
46 only and not all waters statewide. So there is a little
47 bit more of a divergence there.

48

49 But under coordinated management, they
50 should be aligned as much as possible.

00089

1 At this time, of the comments, we had not
2 received any ACRs or petitions to the Alaska Board of
3 Fisheries but that has changed, in that, there is
4 currently an ACR before the Board of Fisheries which will
5 address it at the work session here, I believe next week.
6 So right now there currently is an ACR to try to align as
7 far as seven days a week fishing but there is no proposal
8 at this time for extending rod and reel gear to all State
9 waters, it's just currently in the AVCP region.

10
11 And currently all subsistence fishing in
12 the lower river is separated from commercial fishing
13 periods in order to prevent subsistence caught salmon
14 from entering the commercial market. So if the proposal
15 is adopted, the Department would recommend that this
16 fishery be monitored by the appropriate Federal agency.

17
18 Thank you, Mr. Chair.

19
20 CHAIRMAN NICHOLIA: Yeah, go ahead, Sue.

21
22 MS. ENTSMINGER: I guess I'm a little new
23 at all this. How much of the water are we talking about
24 is State and how much is Federal?

25
26 MR. VANIA: Well, currently where the
27 State allows in the AVCP region is pretty much all
28 Federal waters at this time anyways, from the Paimuit on
29 down to the mouth which is all Federal waters anyway.
30 The rest of the waters, I think State -- Federal waters
31 cover about, what, about 60 percent of all fishable
32 waters in the Yukon area. But then State waters for
33 District 4 is kind of a hodgepodge. All of District 6 is
34 basically State waters. Most of District 5 is State
35 waters as well except for subdistrict 5D, which contains
36 quite a large portion of Federal waters. Up beyond
37 Circle, then it becomes State waters again. So it's kind
38 of a hodgepodge.

39
40 But as far as extending this to the
41 drainage compared to the tributaries makes more sense
42 anyway, in that, if you're fishing in the drainage you're
43 on more of a mixed stock which is preferable than being
44 up into the tributary in the spawning areas just
45 hammering on a single individual stock. The Federal
46 manager does have bag limits that he could enact in case
47 there does become a concern that the subsistence fishery
48 does start to get into a conservation concern on a
49 particular stock. So that's a really good check to have
50 in there when you're fishing into the tribs for rod and

00090

1 reel.

2

3 CHAIRMAN NICHOLIA: To further comment on
4 this, most of our region in the Eastern Interior that is
5 Federal waters is the Yukon Wildlife Refuge, Yukon-
6 Charley and there's little areas in there that's BLM land
7 and it looks like all that pink area and blue area right
8 there.

9

10 MR. WILDE: You stated above Circle was
11 State waters, why is that?

12

13 MR. VANIA: That Eagle area there is
14 State waters.

15

16 MR. WILDE: Yes. Eagle and above but up
17 above Circle is all Federal.

18

19 MR. VANIA: I think Federal waters extend
20 just beyond Circle and it runs out somewhere around
21 there. It's -- I always ask Federal managers where their
22 land is and they say look at the map.

23

24 MR. WILDE: Okay, thanks. Tom, also why
25 is rod and reel just in the lower and not above?

26

27 MR. VANIA: That's the only place that
28 it's been put in for proposal before the Board of
29 Fisheries.

30

31 MR. WILDE: Okay, thank you.

32

33 CHAIRMAN NICHOLIA: Tricia.

34

35 MS. WAGGONER: My question is actually
36 for Jerry. How would you define between a sportfisherman
37 and a subsistence fisherman in some of these tributaries,
38 you know, especially in times where you've closed
39 sportfishing? You know, if this is opened up in the
40 entire drainage, what would limit somebody from going up
41 and sportfishing with a rod and reel and saying, no, I'm
42 subsistence fishing?

43

44 MR. BERG: Well, I guess that's basically
45 it, the fisherman would have to declare themselves,
46 whether they're sportfishing or subsistence fishing. And
47 of course, under the Federal regulations, if this were
48 approved, you know, you would not be required to have a
49 sportfishing license. And if you claimed that you were a
50 subsistence fishermen, then you're subsistence fishing.

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1 So there's really, you know, no specific checks other
2 than what the fisherman claims that they are fishing
3 under, either sport or subsistence fishing regulations.
4 Which is currently the situation that we're in on the
5 Kuskokwim right now. It's really up to the fisherman to
6 determine what they're -- what kind of regulations
7 they're fishing under. If they're a rural resident, they
8 only qualify, you know, you couldn't go out there -- an
9 Anchorage resident couldn't go out there, of course, and
10 claim to be subsistence fishing under our regulations.
11 They could under State regulations in the Kuskokwim.

12

13 CHAIRMAN NICHOLIA: Go ahead, Virg.

14

15 MR. UMPHENOUR: That's what I was going
16 to point out. The only people that this has an effect
17 on, if the State adopts it, is in the AVCP area, the only
18 people that can't go out and subsistence fish for king
19 salmon are non-residents. If you're a resident of Alaska
20 under State regulation you can.

21

22 And so if the Board of Fisheries adopts
23 the agenda change -- if we adopt this and say the Federal
24 Subsistence Board adopts it and the State Board of
25 Fisheries adopts it, what that does is eliminates non-
26 residents from fishing with a rod and reel is the only
27 thing it does in times of conservation whenever they
28 would invoke emergency orders for, you know,
29 sportfishing. They could still subsistence fish unless
30 it was so bad they closed subsistence fishing as well.
31 So the only people that get eliminated in this whole
32 process is non-residents.

33

34 If I'm wrong someone correct me, but I
35 think I'm right.

36

37 CHAIRMAN NICHOLIA: Go ahead, Tricia.

38

39 MS. WAGGONER: Okay. I'm just trying to
40 get this clear in my head. So basically being a resident
41 of the region, I could go with rod and reel to Clearwater
42 Creek and go fishing, subsistence fishing for coho 24
43 hours a day, seven days a week unless that.....

44

45 MR. VANIA: No.

46

47 MS. WAGGONER:was stopped?

48

49 MR. VANIA: No, because that's State

50 waters.

00092

1 MS. WAGGONER: But if Clearwater Creek or
2 Chandalar, say, or somewhere like that that's Federal
3 waters then you could, right?

4

5 MR. VANIA: Yes.

6

7 CHAIRMAN NICHOLIA: Any comments from
8 tribal governments and other agency comments.

9

10 MR. MIKE: Mr. Chair, there's no other
11 agency comments.

12

13 CHAIRMAN NICHOLIA: Fish and Game local
14 advisory committees.

15

16 MR. MIKE: Mr. Chair, there was no
17 written public comments received on this proposal. Thank
18 you.

19

20 CHAIRMAN NICHOLIA: Public testimony.

21 Nothing. So if there's no public testimony, RAC
22 deliberation. We pretty much deliberated and then the
23 mover -- it wasn't seconded -- it wasn't seconded, if the
24 mover of this, Virgil, if you want to just vote on the
25 proposal -- move to vote on the proposal as is or do you
26 want to take the Staff recommendation?

27

28 MR. UMPHENOUR: What I wanted to do was
29 discuss it a little bit more. I wanted to point out some
30 -- because I've been through this issue before in the
31 AVCP area as a Board of Fisheries member and so I just
32 want to point out some things that would happen here is
33 all I want to do.

34

35 CHAIRMAN NICHOLIA: Go ahead.

36

37 MR. UMPHENOUR: And that is fishing with
38 a rod and reel for subsistence, if a person catches the
39 wrong fish they can, of course, release it unharmed.
40 When you throw a gillnet in the water you might catch a
41 whole bunch more fish than you need or you might catch
42 the wrong kind of fish and so it can be selective and
43 from a conservation viewpoint I think it's a good thing.
44 A majority of the waters that we're talking about are
45 State waters and so it would -- you know you would go by
46 State regulations anyway, but this is -- from what I
47 understand what Mr. Vania said, the Board of Fisheries is
48 going to address this in a week or two, I don't know what
49 they'll do, but anyway, I just wanted to point out some
50 of the ramifications of doing the rod and reel that way.

00093

1 And the other thing that was pointed out
2 in the Staff comments was that the fishing schedule on
3 the Yukon River, that it changed in January of 2001 where
4 windows were put in place and that was to allow passage
5 of fish up the river to give people more reasonable
6 opportunity for subsistence up river and also to improve
7 the quality of escapement on the spawning grounds which
8 means get the big female fish on the spawning grounds,
9 don't catch all of them in the Lower Yukon with large
10 mesh gillnets because that's what was happening with
11 seven days a week subsistence, very few large fish
12 getting on the spawning grounds. And, in fact, I can say
13 this from personal experience from being the person that
14 buys all the king salmon whenever there is a commercial
15 fishery in the Tanana River, is that, in the last two
16 times that we've had a commercial fishery which was this
17 year and then four years ago, I think, only about 10
18 percent of the commercial harvest of king salmon, the
19 ones actually caught were females and about 90 percent
20 were males and a majority of that 90 percent are nothing
21 more than jacks, horny teenage boys that contribute
22 nothing to the spawning grounds.

23
24 And so that subsistence schedule was put
25 in place to improve the quality of escapement on the
26 spawning grounds. That's the main reason. That and give
27 people up river a chance to catch a few large king salmon
28 once in awhile and have a reasonable equitable
29 opportunity to catch subsistence fish, the larger ones.

30
31 And so allowing the rod and reel
32 subsistence would allow people, if they just want to go
33 catch a fish to eat, go catch one fish or two fish or
34 whatever they need, especially if they're targeting king
35 salmon.

36
37 And as I said, most of the king salmon
38 spawning rivers are State waters, they're not Federal
39 waters. The only one I can think of that is would be the
40 Nulato River maybe which is BLM land. The majority of
41 the rest of them where you might go catch a king salmon
42 are State waters.

43
44 Mr. Chair.

45
46 CHAIRMAN NICHOLIA: Thank you. Ron.

47
48 CHAIRMAN SAM: Yeah, did you move to
49 adopt this as recommended by Staff recommendation on the
50 whole Yukon River drainage?

00094

1 MR. UMPHENOUR: That's correct.

2

3 CHAIRMAN SAM: Is there a second?

4

5 MR. REAKOFF: Second.

6

7 CHAIRMAN SAM: You will?

8

9 MR. REAKOFF: Yeah, I'll second.

10

11 CHAIRMAN SAM: Okay.

12

13 CHAIRMAN NICHOLIA: Do you want to say
14 something, Ron.

15

16 CHAIRMAN SAM: Yeah, just for your
17 information, any time you introduce subsistence
18 opportunities along the drainage you know that the
19 Western Interior will go for it because we deliberated
20 this action or some actions before and we fought for this
21 proposal because for a good part of our district,
22 sportfishing was allowed when subsistence fishing wasn't
23 allowed, while it was closed. But this helps alleviate
24 that problem or correct the problem.

25

26 And then one final comment, if I'm that
27 hungry there's no such thing as a wrong fish to -- and I
28 intend to support this proposal.

29

30 Thank you.

31

32 CHAIRMAN NICHOLIA: Further discussion.

33

34 MS. WAGGONER: Question.

35

36 CHAIRMAN NICHOLIA: It's been moved,
37 seconded and question. All those in favor of this
38 proposal as modified by Staff recommendation, signify by
39 saying aye.

40

41 IN UNISON: Aye.

42

43 CHAIRMAN NICHOLIA: All those opposed
44 same sign.

45

46 (No opposing votes)

47

48 CHAIRMAN NICHOLIA: Motion carries. We
49 will go onto Proposal 03-03. Remove restrictions -- or
50 did we go past two hours yet, Virg?

00095

1 MR. UMPHENOUR: It's probably time for a
2 break. I can't find this one in the book.

3

4 CHAIRMAN NICHOLIA: Okay.

5

6 MR. MIKE: Mr. Chair, this proposal 03-03
7 does not affect the Eastern Interior it affects the
8 Western Interior.

9

10 CHAIRMAN NICHOLIA: Okay. Then we'll
11 take a break.

12

13 (Off record)

14

15 (On record)

16

17 CHAIRMAN NICHOLIA: I'd like to call this
18 meeting back to order.

19

20 (Pause)

21

22 CHAIRMAN NICHOLIA: The next subject
23 we're going to discuss here, we're going to go right down
24 our agenda list, 03-03 is the Western Interior proposal
25 so we'll move to Section 7, customary trade and I think
26 that's Peggy -- or Pete.

27

28 MR. DeMATTEO: Mr. Chair, before Peggy
29 gets rolling I just want to clarify where the agenda will
30 lead for everyone's understanding here. Customary trade
31 will be handled by Peggy Fox as you just mentioned and
32 then after that, Don Rivard will cover future meeting
33 locations. And then after that will be an overview of
34 the post-season salmon fisheries by Russ Holder. Just
35 for everyone's clarification.

36

37 Thank you.

38

39 CHAIRMAN NICHOLIA: Peggy.

40

41 MS. FOX: Thank you, Mr. Chair. Again,
42 for the record my name is Peggy Fox. I'm with the Office
43 of Subsistence Management. I'm going to cover a few
44 talking points on customary trade. Now, I'm unclear with
45 regard to the agenda as to whether or not you're going to
46 -- your Councils are going to take action on this at this
47 time or in your breakout sessions and you might think
48 about that. You have the option of listening to the
49 briefing and asking questions and so on and then, you
50 know, developing your final recommendation on this issue

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1 or doing that independent. I'm just unclear myself.

2

3 CHAIRMAN NICHOLIA: From my point of
4 view, my Council, I'd like to do it separately, how we
5 make our own recommendation.

6

7 CHAIRMAN SAM: Ditto. Same.

8

9 CHAIRMAN NICHOLIA: Go ahead.

10

11 MS. FOX: Okay, great, thank you. And so
12 I will proceed and take your questions at the conclusion
13 of my comments. And I'm going to ask that you follow
14 along with me in the supplemental material that should be
15 in front of you somewhere in your stack.

16

17 MR. MIKE: Mr. Chair, for the Eastern
18 Interior folks, I have it in this orange booklet and it's
19 in the back. And the Western Interior should have one
20 handed out to them.

21

22 MS. FOX: If there's any extras, there
23 may be some people in the audience who would like to have
24 copies.

25

26 MR. DeMATTEO: There's a pile on the back
27 table.

28

29 MS. FOX: Oh, great. Thank you, I didn't
30 see that.

31

32 In response to public and Council
33 requests, the Board, during their May 2002 meeting
34 deferred action on the proposed rule for customary trade
35 until January of 2003.

36

37 This decision provides for an extended
38 review opportunity for the Regional Advisory Councils,
39 the public, tribal organizations and Federal and State
40 agencies. Since this meeting, the Board has been
41 analyzing public and Council comments and agency comments
42 received to date. The supplemental materials provided
43 for your review are the results of this analysis.

44

45 I'd like to review with you the reasons
46 why the issue of customary trade is before you. Title
47 VIII of ANILCA specifically identifies customary trade as
48 a recognized part of subsistence uses. The term
49 customary trade is defined in regulation as the cash sale
50 of fish and wildlife resources to support personal or

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1 family needs and does not include trade which constitutes
2 a significant commercial enterprise.

3

4 It is important to know the distinction
5 between the terms customary trade and barter.

6

7 Customary trade is the exchange of
8 subsistence resources for cash. Barter is defined as the
9 exchange of subsistence resources for something other
10 than cash and is provided for in Title VIII.

11

12 While exchange of subsistence resources
13 as customary trade may involve fish, shellfish or
14 wildlife resources, this proposed rule only covers the
15 customary trade of fish resources.

16

17 The Federal Subsistence Board has found
18 that the term significant commercial enterprise to be
19 unclear. The lack of a definition is hampering effective
20 law enforcement to prevent abuses. The Board wants to
21 preserve traditional customary trade practices and
22 recognize regional differences while preventing abuse.
23 The proposed rule adopted by the Board in 2001, and I'll
24 refer you to Page 1 of the briefing document, it's behind
25 the letter from the Chair, the proposed rule recommends
26 that no dollar limit be set on exchange for cash of
27 subsistence caught fish, parts or eggs between rural
28 residents. The proposed rule prohibits such exchanges
29 for fisheries businesses whether rural or non-rural.
30 However, the exchange for cash between rural residents
31 and others, that is from non-rural areas, would be
32 allowed as long as the exchange does not make up a
33 significant commercial enterprise.

34

35 Public comments received on this proposed
36 rule generally fell in three categories or alternatives
37 and those begin on Page 3 of the document. The bulk of
38 the comments that we received supported either
39 alternative one or alternative two. Alternative three is
40 the result of the recommendations developed during public
41 meetings held by the 10 Regional Advisory Councils this
42 past winter.

43

44 Let me briefly summarize each of the
45 alternatives.

46

47 Alternative one, again beginning on Page
48 3, would maintain the status quo which permits customary
49 trade unless it results in a significant commercial
50 enterprise. In the future any perceived abuses would be

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1 addressed on only on a case by case basis, with
2 appropriate regulatory language. This would be
3 responsive to comments questioning the need for any new
4 regulation or change to present regulations regarding
5 customary trade.

6

7 Alternative two, which begins on Page 4
8 would prohibit subsistence caught fish from entering into
9 the commercial market while permitting customary trade
10 practices between individuals to continue. This option
11 would be responsive to comments that the primary concern
12 is to prevent subsistence caught fish from entering
13 commercial markets.

14

15 Alternative three, which also begins on
16 Page 4 would respond to comments that differing regional
17 practices and needs must be provided for and would
18 prohibit subsistence caught fish from entering into the
19 commercial market. To be effective a system of record
20 keeping would need to be instituted if regional
21 regulations limit the amount of fish exchanged for cash
22 or the amount of cash exchanged. In this case we haven't
23 identified what that system of record keeping would be
24 but some kind of permits or harvest calendars or harvest
25 records of some sort would be required where people would
26 have to keep track of either the amount of fish that they
27 sold in a customary trade action or the amount of money
28 they received for the amount of fish, that type of thing.

29

30
31 On Page 9, I want to show you where we're
32 at in the current process relative to making a decision
33 on proposed changes to the regulations. We are now at
34 step number 3, where we are briefing the comments on the
35 results of public comments and asking the Councils to
36 give us a final recommendation. And then the public
37 comment period ends November 1st, people still have until
38 then to submit written comments to us and then we will
39 summarize those comments, develop Staff Committee
40 recommendations to the Board. The Board will meet in
41 public in January, on January 14th and make a decision on
42 a final rule. The final rule will be published probably
43 February and effective April 1st of next year.

44

45 So in summary, the Board is requesting
46 the Councils to review the material that is provided and
47 specifically make recommendation that would assist the
48 Board in defining customary trade. The Councils are
49 requested to review your earlier recommendation and it's
50 all written out in this document as well, towards the

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1 last half of it each Councils comments are provided so
2 you can review that and let us know whether or not that
3 remains your recommendation or if you'd like to modify
4 it.

5
6 That concludes my comments and I'd be
7 glad to take questions on the process or otherwise at
8 this time.

9
10 I'd also like to encourage other members
11 of the public to offer comments as well for the record
12 who may be here today.

13
14 Thank you.

15
16 CHAIRMAN NICHOLIA: Are there any
17 questions for Peggy. Will you please sit there while I
18 have these other two gentleman that want to come up and
19 comment. I would like them to come up here and comment
20 now. The first one would be Bill Fliris.

21
22 MR. FLIRIS: Thank you, Mr. Chairman. My
23 name is Bill Fliris. I'm here on behalf of YRDFA, the
24 Yukon River Drainage Fishermen's Association and also for
25 Tanana/Rampart/Manley Advisory Committee.

26
27 I live in Tanana. I've been a
28 subsistence and commercial fisherman on the Yukon since
29 1975. And I'd like to first of all thank you guys for
30 all being here and I know how hard it is to listen to all
31 these complicated problems and come to a decision and I
32 think this is one of the most complicated of all of them.

33
34
35 This is a very important issue for people
36 in my area because customary trade is a big part of the
37 reason why people in my area are out on the river and
38 staying at their fish camps. Without customary trade I
39 really feel that there wouldn't be much of a fishery up
40 in the Yukon these days. There certainly isn't much of a
41 commercial fishery going on anymore. And even when there
42 was it didn't contribute enough money to people to meet
43 their expenses and needs to be out there on the river
44 doing what they want to do.

45
46 So I'd like to start out by saying that
47 we reviewed these comments that were made by the Eastern
48 Interior Council at YRDFA at Nenana last winter. And in
49 a nutshell, what the YRDFA felt was that this whole
50 process is going just a little bit too fast to have it

00100

1 done correctly. There hasn't been enough legitimate
2 research out there into what customary trade really is on
3 the Yukon. Not enough elders have been contacted, there
4 hasn't been anything formal where people can look at it
5 and say, you know, what I have done and what I'm going to
6 talk about will make a difference here.

7

8 It seems as though everything is being
9 pushed by law enforcement needs. And while I can
10 appreciate that, in our area I, personally haven't seen
11 any sign of abuse where the resource is threatened by
12 customary trade. So I really have to question why this
13 has to be done so quickly.

14

15 And along that line I'd like to recommend
16 that this Council take alternative one which basically
17 doesn't change anything. That gives an opportunity, I
18 think, for more questioning to go on, more research until
19 we can understand what's going on. Because one of my
20 greatest fears is that if more restricted language is put
21 in place what's eventually going to happen is somebody's
22 going to end up in court for having been pinched for
23 doing something that they've been doing all their life
24 like selling salmon strips. And then the courts are
25 going to have the chance to define what customary trade
26 is and I don't think that's the way it should be done. I
27 think this body, the Federal Subsistence Board, all of us
28 working together should have an opportunity to do that.

29

30 And so alternative number 1, I think is
31 the best option for the time being to take a look at
32 this.

33

34 I'd like to go through a few of the
35 comments that this the Eastern Interior Council made last
36 year just to point out some of the differences in opinion
37 that are really evident here.

38

39 I think we all concurred with Part C
40 which is transactions between rural residents and the
41 parts that you struck out which was basically the
42 language, or their eggs, but permitting transactions
43 between rural residents to continue at the level that
44 they have in the past is good.

45

46 Then on subpart 12, transactions between
47 a rural resident and others, there's quite a bit of
48 controversy there. For instance, no consensus on dollar
49 value and does not exceed \$200 per person per year. I
50 think it needs to be pointed out that \$200 is really

00101

1 relatively an insignificant amount of money these days.
2 It doesn't buy you much. And it's something like 15
3 pounds of smoke salmon strips. So it isn't going to help
4 anybody out at that level.

5
6 There is something in here about the
7 possibility that the level of customary trade allowed may
8 exceed the value of some commercial fisheries. Well,
9 that wouldn't take much these days when we don't have any
10 commercial fishing to speak of. If people are out there
11 on the river waiting for a commercial opening to pay
12 their bills it's just not going to happen. We're not
13 having good salmon returns anymore and we don't know when
14 we'll get them back. So any level of customary trade is
15 going to exceed the value of a commercial fishery at this
16 point.

17
18 It says here the Council also discussed
19 the idea that harvest for customary trade should not be
20 the primary goal of subsistence harvest. And that may
21 seem reasonable in some circumstances, but at other times
22 maybe it isn't.

23
24 I've seen situations arise where people
25 are harvesting fish for one purpose like commercial
26 fishing but are also catching a lot of fish that are not
27 commercially salable and need to do something with those
28 fish, like jack king salmon which the buyers won't buy.
29 Sometimes you capture hundreds of those in a day in a
30 fishwheel when there's a lot of jacks. They're very good
31 little fish, there's nothing wrong with them except that
32 they're small. What do people generally do with them, in
33 our area, in every fish camp that I know of has a
34 smokehouse and that's where they end up if people can
35 keep up with it and cut that many fish they put them in
36 the smokehouse and what are they going to do with them
37 later on, well, they're going to eat some of them, but
38 probably a lot of them are going to end up spread around
39 the village and probably a lot of them will end up in
40 Fairbanks, maybe even Anchorage. Because there's an
41 extended trade network that goes on in the villages.

42
43 And a person that maybe you sold 10
44 pounds of strips to in Tanana in one year, the next year
45 is calling you from Fairbanks and saying, send them out
46 here I'm working out here now or Anchorage. They may be
47 even out of state. But nevertheless they want to get
48 those fish and it's part of the local economy.

49
50 Another comment that Eastern Council made

00102

1 was when the preseason forecast indicates that a run will
2 not provide for escapement and full subsistence harvest,
3 even with restrictions on non-subsistence uses, then
4 customary trade on that run will be prohibited.

5
6 I think that that kind of language is
7 going in the wrong direction.

8
9 It seems to me that there's adequate
10 regulations in place to manage the fishery in times of
11 low returns to protect the resource. And that's what
12 it's really all about, is protecting the resource, not
13 managing the way people behave.

14
15 I think it's unrealistic to assume that
16 because one person catches a fish and uses it in one way
17 and another catches it and uses it in another way that we
18 should have to try to determine what's the proper way to
19 use this fish just because we're having a poor run. And
20 as far as I know, legally, too, I don't think it's
21 possible to regulate it that way. So I think that's the
22 wrong direction to go.

23
24 And then there was a comment about if
25 regulations that ensure if the level of subsistence
26 harvest increases dramatically then some actions would be
27 taken to then restrict customary trade so that it does
28 not expand subsistence harvest into a type of commercial
29 fishery.

30
31 There again, I think that, you know, on a
32 case by case basis you could look at things but to make
33 an overall regulation that limits one aspect of
34 subsistence harvest is not the right way to go.

35
36 Then the last part is Part 13, no
37 purchase by fisheries businesses. As far as I ever
38 understood this part was intended to keep whole
39 subsistence fish out of the commercial fish market.
40 Here, it's been kind of expanded into the idea that
41 people who are taking fish for dogs may be a business, a
42 fisheries business. I think, just as another example of
43 where you're trying to overregulate something.

44
45 For instance if there's a guy out there
46 who's trapping, has a dog team and he's feeding fish to
47 those dogs but he also has to buy other things for that
48 dog team, like commercial dog fish and he gets an Alaska
49 business license so he can write off his expenses against
50 his taxes, he's got a business license and then he would

00103

1 be singled out and say, you cannot, you know, take
2 subsistence fish as customary trade because you have this
3 business license.

4

5 And another thing and the last comment
6 that I have, people who have commercial fishing licenses
7 could also be considered, under this statute, to be a
8 fisheries business and a lot of the people on the Yukon
9 who are subsistence fishermen also have commercial
10 fishing licenses.

11

12 So for all those reasons I think the best
13 option at this time is to just go with alternative number
14 1.

15

16 Thank you.

17

18 CHAIRMAN NICHOLIA: Do we have any
19 questions for Bill. The next person that I wanted to
20 have comment is Stan Zurey.

21

22 MR. ZUREY: Thank you, Mr. Chair. My
23 name is Stan Zurey. I'm from the village of Tanana. I
24 was sent here by the Yukon River Drainage Fishermen's
25 Association. I'm a State -- no the State advisory -- one
26 of the State advisory Council members. Let's see most of
27 these comments are my own however, except for one last
28 one.

29

30 Anyway, I'm going to start off with a few
31 facts that, although they don't specifically concern
32 customary trade and barter, they point to a disturbing
33 trend and condition which I feel is to a significant
34 degree the fault of the ever increasing regulations,
35 permits and reporting requirements being placed on
36 legitimate subsistence users.

37

38 I do this in the hopes that people
39 hearing this will take seriously any further
40 restrictions, permits or reporting requirements that
41 they're considering at this time. And then after I'll
42 talk about specifics on the customary trade issue. I got
43 four little facts here.

44

45 In the last six years we, Tanana, we have
46 lost one-half of the functioning fish camps run out of
47 the Tanana area. Thirty years ago when I came to Tanana
48 the ages of people running these camps varied from many,
49 like myself in their early 20s to 70 years of age.
50 Presently the youngest person running a camp in the

00104

1 Tanana area is approximately 45 years old. There is
2 nobody younger than him running a camp out of the Tanana
3 area right now. In the winter of 1996, prior to the 1997
4 adoption of the Federal policy enforcing a raft of
5 permits and fees concerning the sale of fur by trappers,
6 a Tanana tribal council survey showed 20 trappers selling
7 fur in the village. Between 1997 and 2002, two legal
8 sales of fur have been documented out of the village of
9 Tanana.

10

11 Okay, that's what I -- some of those
12 above are almost entirely the result of regulations and
13 permits and reporting requirements. Some of the others
14 are the function of just the way society is changing.
15 But some of that is, probably 90 percent the cause of --
16 anyway.....

17

18 Anyway, now on the customary trade, a
19 little more specific here. Putting regulations on the
20 long practiced rural to urban sale of fish strips, et
21 cetera, I see that as just a way to further destroy one
22 of the last reasons for a lot the people I know to be at
23 fish camp. Some subsistence fishers in our area --
24 fishermen in our areas sell the majority of their strips
25 in urban areas. Of course, there's so few people doing
26 this anymore and selling strips, it is a noticeable fact
27 that you almost don't have to go out of the village
28 anymore to sell almost your entire amount of fish but I
29 don't see that as a good reason to say, oh, okay, that's
30 okay, let's just go put regulations on rural to urban
31 sales.

32

33 But there are elders in our village who
34 sell the majority of their fish and a lot more than \$200
35 worth every year and have been doing it almost their
36 entire life, just like their fathers were doing to urban
37 areas. It's a longstanding practice.

38

39 And as Bill mentioned, there is some
40 wording and I see it's been changed in some of these
41 alternatives here about -- originally there was wording
42 that persons engaged in -- persons licensed by the state
43 of Alaska who engage in a fisheries business, you know,
44 basically couldn't subsistence trade and barter and stuff
45 like that. And that -- some of that language has been
46 changed in some of these alternatives. And I'd just like
47 to -- you know, this has been popping up over the years
48 over and over again and we keep pointing out that, you
49 know, we did get a legal opinion from Bill Caldwell of
50 Alaska Legal Services and I know the intent of that

00105

1 wording was not to stop limited entry -- or people with
2 fishing licenses from engaging and trading and barter but
3 legally that's what it means. And so I'd just like to
4 steering away from that exact language. Some of the
5 language here is, you know, looking at lot better. But
6 it seems like every time we come up with different
7 language and I've worked with OSM on different language
8 before, back many years ago and then all of a sudden this
9 other language just pops up again.

10

11 So I'd like to just -- you know, because
12 if that ever happened -- almost every person, even back
13 10 years ago, almost every person who runs a fish camp in
14 the Tanana area has a limited entry permit, it's just
15 what you do. I mean it's just another way you can make a
16 couple thousand bucks if they open up a commercial. I
17 mean so that's what people do.

18

19 The addition of this dog team stuff in
20 some of this language is kind of disturbing. Considering
21 a dog team commercial because of leasing and selling dogs
22 while having a business license would label the majority
23 of dog teams, including my own as commercial and deny me
24 the right to feed dogs subsistence salmon. I mean, you
25 know, you can put it in language and we can do it anyway
26 and be illegal just like all the rest of this stuff,
27 we're going to do it anyway until we get busted but, you
28 know, really why does it need to be in there? What's
29 going to be solved by this?

30

31 You know, the original problem behind
32 this whole thing was -- behind this whole customary trade
33 thing being brought up and I've talked to agency people
34 about this, it's whole salmon being shipped out of the
35 Yukon. I'm well aware of -- I've heard a lot about it.
36 I've known people directly who have seen it and stuff
37 like that, I do not agree with it, YRDFA members do not
38 agree with it. I don't know if any fisherman that agrees
39 with it, you know, shipping whole fish to processors and
40 stuff. It's like this whole thing has shifted now, what
41 I see happening is not an attempt to deal with that
42 problem anymore, we're just shifting the whole burden on
43 subsistence users and it's not going to even solve the
44 problem, I mean it's not even shifting the burden, it's
45 like, you know, too much trouble to attack that real
46 problem because it is a hard problem to deal with, so
47 let's just make a whole bunch of regulations against
48 subsistence users because that's easier or something.

49

50 But anyway, I have no problem with

00106

1 enforcing the present regulations and making further
2 regulations against the sale of subsistence whole salmon
3 or any products to processors or businesses. The above
4 possible regulations to -- or proposed regulations do
5 nothing to cure the real abuse of the whole subsistence
6 salmon sold to processors which I believe triggered the
7 proposal rules to begin with.

8

9 We see over and over traditional
10 practices being eliminated by the regulations and the
11 burdens of permits and reporting, yet, the initial
12 perceived or real problem that started the issue doesn't
13 get addressed.

14

15 And thank you very much.

16

17 CHAIRMAN NICHOLIA: Go ahead, Virg.

18

19 MR. UMPHENOUR: Thank you. Stan, do you
20 have any suggestion on this alternative one, take no
21 action?

22

23 MR. ZUREY: Uh-huh. Do I have any.....

24

25 MR. UMPHENOUR: Well, my question is
26 this.

27

28 MR. ZUREY: Yes.

29

30 MR. UMPHENOUR: Do you have any
31 suggestions on how to figure out what is a significant
32 commercial enterprise? And do you think that people
33 should be totally unlimited on customary trade? It's
34 kind of a two-part question. First we have to figure out
35 what is a significant commercial enterprise and no one
36 that I know of has come up with a definition of what that
37 is.

38

39 CHAIRMAN NICHOLIA: I'll answer that for
40 you. A significant commercial enterprise is defined in a
41 dictionary as selling fish to a commercial business. And
42 I don't see why we have to put so many regulations on
43 these people who I represent in my Tanana area and in the
44 RAC area. That's why I said there's going to be a big
45 difference between the road system and the river system.
46 These people have been living their lives -- these two
47 people right here they've learned from people along the
48 rivers that's been doing this for the last many years.
49 They may have not had fishwheels a couple hundred years
50 but they've been doing it.

00107

1 The trade and barter system from the
2 Tanana area goes all the way to the Anchorage area and
3 all the way to the Kobuk River area. That was our barter
4 and trading system a long time ago.

5
6 And if we're going to a significant
7 commercial enterprise of selling those subsistence fish
8 to a commercial business and that should be defined as
9 that way. If you're going to regulate these people and
10 take their lifestyles away that they try so hard doing
11 there, then let me ask this to Stan, how far is \$2,000
12 going to go in building a fish camp.

13
14 MR. ZUREY: Yeah, and I'd like to point
15 out that, you know, that's gross and if you run a
16 hardware store and you have sales of whatever, \$100,000
17 in a year, that's your gross and it's the same in a fish
18 camp. If you make \$1,000 -- or \$2,000 selling fish
19 strips to somebody in Fairbanks or a number of people in
20 Fairbanks, that's your gross, you got nothing to show at
21 the end of the season for \$2,000, you have nothing.

22
23 But I'm glad Gerald talked there because
24 it gave me a second to come up with an answer to Virgil,
25 not so much like on an amount that would constitute a
26 significant commercial enterprise but the only way an
27 individual can make over what even a reasonable person
28 would think is a significant amount of money, you know,
29 commercial enterprise, the only way he can do that is
30 basically selling whole fish, you know, the problem that
31 this whole thing was brought up over.

32
33 Like you take -- like I'll take an
34 example, I've used the man before, I don't have to say
35 his name, but Gerald will know who I'm talking about --
36 well, you know who I'm talking about, he's one of the few
37 elders who's at the fish camps. And this summer he -- he
38 might have -- I don't know, he might have put up, you
39 know, five, might have put up \$8,000 worth of fish, you
40 know, chum, dry fish, strips and the whole bit. He
41 worked all summer long doing that. But he had another
42 woman there who worked with him and I don't know just
43 what she got out of the deal but she was working right
44 with him, so that gets split two ways. Then there was a
45 young man there with them all summer long and I don't
46 know what he got out of the deal, you know, probably not
47 as much as Lester because he's running the camp, it's his
48 boat, his gas, his, you know, equipment but he was
49 supported by that whole thing and he went home with some
50 money. Okay. And then Lester also had -- or excuse me.

00108

1 (Laughter)

2

3 MR. ZUREY: This guy had the help of his
4 son and his sister-in-law for a good bit of the summer,
5 too, this year, sometimes it's one son or another but he
6 also raised 12 kids doing this sort of stuff, you know.
7 So that's what he had this summer so he might have made
8 that amount of money and I don't really know if that
9 amount of money would be considered a significant
10 commercial enterprise but he worked his butt off all
11 summer long and that's about the money he made and
12 that's, as you know, you know like some of the big strip
13 camps, you know -- you know, when they make that kind of
14 money it's more than one person who's doing that and so
15 that gets divided that many times. So what's that amount
16 of money, you know, over a course of a whole summer,
17 somebody being there.

18

19 You know, kind of like, as long as
20 somebody's processing the salmon, turning them into
21 strips, turning them into what's traditional and
22 customary, as long as it's that kind of products and
23 stuff, it's self-regulating. It's like Sidney found out,
24 you know, he kind of even put up strips down there,
25 commercial, it's not even worth it, you know, he had to
26 make the fillets, that was the only thing that barely
27 paid, you know, strips wasn't worth it, you know. And
28 it's the same in the subsistence lifestyle, you know,
29 strips don't -- they don't pay out money that you're
30 going to be buying -- nobody I know who runs a strip camp
31 in the Tanana area is buying any motors or boats with
32 that money. You know, there hasn't been anybody I know
33 buy any boats and motors with, you know, from their
34 fishing because there's been no commercial fishing. And
35 so the problem is, you know, if you were a single -- the
36 way a single individual can abuse it and make what would
37 be considered significant commercial amounts of money is
38 buy doing something that's illegal so let's go after the
39 problem.

40

41 I mean let's forget about this. You put
42 reporting requirements on people at camps, I mean how
43 many more camps are we going to lose, you know, that's
44 what I see.

45

46 It's like the whole potlatch issue here
47 that was being discussed earlier, I mean people don't go
48 and ask -- or tell Fish and Game they're going to go out
49 and shoot moose every time somebody dies. I mean there's
50 something that happens in the village every time -- every

00109

1 time there's a death, people just go out and they get the
2 game and they bring it in and they have a potlatch and I
3 don't know, you know, I mean all it's doing is making
4 people criminals, you know, I mean it's just like the
5 trapping thing, we're all poachers now. We all black
6 market fur, you know, that's all the regulations have
7 done.

8

9 CHAIRMAN NICHOLIA: Anymore questions.

10 Yeah, go ahead, Peggy.

11

12 MS. FOX: I just want to add a little bit
13 to the discussion. I think it's been very good
14 discussion with the public comment and Council comment.
15 The proposed rule is proposing that transactions can
16 occur with businesses as long as they're not fisheries
17 businesses, in other words, a restaurant or a store, that
18 would be permitted under the proposed rule.

19

20 Now, the Councils, through a task force
21 process have come up with a number of different ideas
22 that are documented here as to how to define a
23 significant commercial enterprise. Again, it can be just
24 as a fisheries business, licensed by the state of Alaska,
25 that simply or an amount of money per household and an
26 amount of money per household member or the number of
27 fish or the percentage of fish that are taken. So there
28 are a variety of different ways that the regions are
29 considering regulating this.

30

31 One Council that I discussed this with,
32 just for your information, I think most of the Councils
33 are going along with their previous recommendations but I
34 do know that in my discussions with Kodiak/Aleutians that
35 they're concerned that we haven't heard much from the
36 tribes on this, that they've been rather silent about it
37 and asked if this regulation, if passed, is something
38 that could be reconsidered in a year and the obvious
39 answer to that is yes, subpart C, any part of subpart C
40 and D can be reconsidered on an annual basis. Because
41 they thought they would check with the tribes and see how
42 they felt about -- especially the permitting, the record
43 keeping aspect of things.

44

45 One of the other wrinkles in this is that
46 the fish have to come from Federal public lands.
47 Otherwise, if they come from State waters, you know,
48 that's prohibited. So it is kind of complex.

49

50 Thank you very much.

00110

1 CHAIRMAN NICHOLIA: Go ahead, Ron.

2

3 CHAIRMAN SAM: Yeah, thank you, Peggy.

4 Just for your information I'm just going through the next

5 step, extended comment period ends on November 1st --

6 just for your information we do have a subregional

7 meeting set up to discuss this issue. I don't know if

8 I'll be there but I think it's leading up to the AFN

9 Convention which will just give us barely enough time to

10 make that extended comment period. But at this time, I'm

11 just hesitant to make any more comments or make any more

12 recommendations until we have these meetings out there in

13 the villages. There's about 10 or 15 villages getting

14 together to discuss this issue along with other business.

15

16 And that's just for your information.

17 And that's why I'm hesitant to make any kind of

18 recommendations at this time.

19

20 Thank you.

21

22 MS. FOX: Just for a point of

23 clarification, the proposal comment period ends November

24 1st, however, we will still be taking testimony at the

25 Board meeting in January.

26

27 CHAIRMAN SAM: Okay.

28

29 CHAIRMAN NICHOLIA: Go ahead, Virg.

30

31 MR. UMPHENOUR: Thank you. I heard you

32 say something and I didn't quite understand it, about

33 restaurants and stores, could you say that again, please?

34

35 MS. FOX: Yeah, let's look at the same

36 thing. On Page 1, under the proposed rule, if you look

37 at Section 12 it talks about transactions between a rural

38 resident and others. And it says that customary trade

39 for fish, their parts or their eggs legally taken under

40 these regulations in this part from a rural resident to

41 commercial entities other than fisheries businesses or

42 from a rural resident to individuals other than rural

43 residents is permitted as long as the customary trade

44 does not constitute a significant commercial enterprise

45 and then the last paragraph says no purchases at all by

46 fisheries businesses.

47

48 That's what I was referring to. So it

49 does allow some transaction with some commercial

50 entities.

00111

1 MR. UMPHENOUR: Okay, you said
2 restaurants and stores. And so that means that they
3 could be sold to restaurants and stores under here?

4
5 MS. FOX: That's correct. The only thing
6 that's prohibited under the proposed rule is a sale to a
7 fisheries business as licensed under the state of Alaska.

8
9 MR. UMPHENOUR: Well, what about the.....

10
11 MS. FOX: If a restaurant has a fisheries
12 license then that wouldn't work.

13
14 MR. UMPHENOUR: What about the USDA
15 regulations that stipulate that all fish which is going
16 to be fed to the public, exchanged to the general public
17 have to meet DEC and US -- and FDA regulations which I
18 meet because I am a fish processor and it costs me
19 thousands and thousands and thousands of dollars to meet
20 those regulations, to be bonded to carry a couple of
21 million dollars worth of product liability insurance in
22 case someone gets sick off my fish. The Department of
23 the Interior has under it the Department of Agriculture,
24 correct?

25
26 MS. FOX: No, they're independent
27 departments there.

28
29 MR. UMPHENOUR: Okay. Well, how can one
30 government agencies promulgate a regulation that is in
31 direct violation of another government agency and me, as
32 a fish processor, this aggravates the hell out of me
33 because it costs me lots and lots of money. I have
34 inspectors coming into my place at any time, the Army
35 even inspects me for cleanliness. I have to meet all
36 these standards. I don't know if you've ever heard of
37 the HACCP, Hazard, Analysis, Critical Control Point, they
38 drive you crazy with that. How can all that be just
39 pitched out the window and Stan can go catch a bunch of
40 fish, haul them in here and sell them to any restaurant
41 he wants or any store that wants to buy them and serve
42 them to the public? How can they do that, that's my
43 question?

44
45 MS. FOX: Well I wasn't a part of the
46 task force. I know that we had some representation there
47 from the solicitor's office and I don't know what their
48 comments were. Perhaps we'll hear more about, in answer
49 to your question as this unfolds. So I don't know from
50 their standpoint, you know, how they see this. I do know

00112

1 that the intent is to continue existing customary trade
2 practices and it's recognized that that is a continuing
3 practice, has been a practice for a number of years.

4

5 But, you know, we'll have to see how this
6 plays out.

7

8 CHAIRMAN NICHOLIA: I think this
9 provision came from the Northwest region where they do --
10 where the fisheries -- where the store does put jars of
11 fish on their shelves for the locals to buy them. That's
12 where this provision -- that Bert -- who were sitting on
13 that customary trade task force or whatever. This is
14 where -- this is just another example of things that's
15 being regulated that's being blown out of proportion.

16

17 MR. UMPHENOUR: Thank you.

18

19 CHAIRMAN NICHOLIA: Any more questions.
20 Thank you Peggy. Next Donald.

21

22 MR. MIKE: Mr. Chair, the next item on
23 the agenda is the post-season subsistence salmon
24 fisheries overview. Russ Holder will be presenting the
25 post-season report.

26

27 CHAIRMAN NICHOLIA: Aren't we going to do
28 the meeting locations for the Eastern and Western
29 Interior tonight -- before we do the post-season deal, I
30 thought that's what was going to happen?

31

32 MR. DeMATTEO: Mr. Chair, the meeting for
33 this evening will begin at 7:00 p.m., over at the
34 Springhill Suites Hotel on the first floor in the meeting
35 room and it's my understanding it's just for the Western
36 Interior Council.

37

38 CHAIRMAN SAM: Yes, and that was just to
39 catch up and put everybody in perspective and on the same
40 page. And at that time we will try to deal with strictly
41 Western Interior issues.

42

43 Thank you.

44

45 CHAIRMAN NICHOLIA: Okay. We'll take on
46 post-season summary with Federal and State in-season
47 managers, Russ Holder and Tom Vania.

48

49 MR. HOLDER: Mr. Chairman, it will just
50 take a couple minutes here to get things set up.

00113

1 CHAIRMAN NICHOLIA: A couple minute
2 break.

3
4 (Off record)

5
6 (On record)

7
8 CHAIRMAN NICHOLIA: Go ahead.
9

10 MR. DeMATTEO: Mr. Chair, just keep in
11 mind that we have to quit this meeting at 5:00 p.m. today
12 and be out of here by 5:30, that means break everything
13 down and get out. Just a reminder. And also we broke
14 stride here, after Russ Holder is finished we still have
15 to cover the future meeting locations which will be
16 handled by Don Rivard.

17
18 Thanks.

19
20 CHAIRMAN NICHOLIA: Go ahead.
21

22 MR. HOLDER: Mr. Chairman, Council
23 members and audience. My name is Russ Holder. I'm with
24 U.S. Fish and Wildlife Service.

25
26 Sitting to my right is Fred Bue with
27 Alaska Department of Fish and Game who manages the fall
28 season. To his right is Tom Vania, the summer season,
29 Alaska Department of Fish and Game manager. Handling the
30 slides for me is Ray Hander, my assistant. Would you
31 just raise your hand, Ray and Brandy Berkbigler, back
32 here, if you'd just raise your hand, Brandy, also
33 assisted me this summer with getting information to
34 Regional Council members.

35
36 Going into this fishing season, a joint
37 information sheet, which you can see the first page of on
38 the overhead here, which consisted of five pages was
39 jointly developed by US Fish and Wildlife Service and the
40 Alaska Department of Fish and Game and was mailed to all
41 Yukon River commercial and subsistence fishing
42 households. The information sheet was also provided as a
43 handout at preseason fishermen's meetings informing them
44 of the outlooks, subsistence salmon fishing schedule and
45 management strategies for the 2002 season. The preseason
46 salmon outlook for chinook, summer chum and fall chum
47 salmon were all anticipated to be below average to poor
48 in strength in large part due to the low productivity
49 trends of recent years. This was the second fishing
50 season in which subsistence users fish the regulatory

00114

1 windowed subsistence salmon fishing schedule. The
2 handout also identified the management strategy this
3 season was to wait until near the quarter point of each
4 salmon run to implement a reduction of the subsistence
5 salmon fishing schedule, if necessary, while also
6 agreeing to wait until near the midpoint or later of the
7 chinook salmon run to determine if the run size was
8 sufficient to allow commercial fishing.

9

10 As the chinook and summer chum salmon
11 runs developed, they were assessed to be average in run
12 timing but below average in abundance. However, if
13 enough fish were available to allow subsistence fishing
14 to continue -- excuse me let me start again there --
15 however, enough fish were available to allow subsistence
16 fishing to continue at the maximum allowed by the
17 regulatory schedule. Near the mid-point of the summer
18 season managers assessed that the run abundance of both
19 species appeared adequate to provide for escapement,
20 continued subsistence fishing and a small commercial
21 chinook salmon harvest. The Alaska Department of Fish
22 and Game provided small commercial fishing opportunities
23 in nearly all fishing districts, although lack of buyer
24 participation or limited sales opportunities resulted in
25 no fish being commercially sold in some areas.

26

27 Preliminary escapement and subsistence
28 information indicate that the chinook salmon run appeared
29 consistent with mid-season assessment. Although the 2002
30 chinook salmon run was below average, most of the
31 escapement objectives were met, subsistence users have
32 generally reported meeting their needs and there were
33 enough fish to have a small commercial fishery.

34

35 The 2002 summer season salmon run, in-
36 season, appeared sufficient to meet most escapement
37 objectives, allow scheduled subsistence fishing and
38 provide for a small commercial harvest. Even though the
39 2002 summer chum salmon run was a little more than one
40 million fish, it still represents a below average return.
41 Even so, it was encouraging to see this years return
42 being more than double the run size experienced in 2001.

43

44 Entering the fall season, a projected fun
45 size of 500,000 to 600,000 fall chum salmon was based on
46 the preseason projection and on the strong performance
47 relationship to summer chum salmon returns.
48 Unfortunately, near the midpoint of the fall chum salmon
49 run it became apparent that the trend of poor production
50 was continuing as indicated from the Emmonak, Mountain

00115

1 Village and Kaltag drift gillnet test fisheries, Pilot
2 Station Sonar and subsistence fishing reports. At that
3 time the overall run of fall chum salmon was projected to
4 be less than 350,000 fish. Together with the Alaska
5 Department of Fish and Game and Federal managers
6 announced subsistence salmon fishing closures for the
7 Lower Yukon area on August 9th and closures for the Upper
8 Yukon area on August 11th. Subsistence fishing with
9 limited gear types for non-salmon species remained open.
10 The salmon fishery remained closed until late August,
11 when the subsistence fishery was progressively reopened
12 once it was assessed that the majority of the migrating
13 fall chum salmon were beyond a fishing district.
14 Subsistence fishermen in most areas did not have adequate
15 opportunities to fish for fall chum salmon and we know
16 fishermen did not get enough fall chum salmon to meet
17 their subsistence needs. Preliminary escapement
18 information for the Tanana River, Chandalar River and
19 Canadian border indicates those areas received just
20 enough fish to reach their objectives although the
21 Sheenjek and Fishing Branch River system did not reach
22 their objectives.

23

24 The coho salmon run was assessed to be
25 near average in run strength and timing this year.
26 Unfortunately, the overlapping run timing of coho salmon
27 with fall chum salmon resulted in missed coho salmon
28 harvest opportunity due to the closures to protect fall
29 chum salmon. Although, where possible, managers tried to
30 provide opportunities to harvest coho salmon.

31

32 In summary, after the second year of
33 implementing the regulatory subsistence salmon fishing
34 schedule, it continues to appear that this windowed
35 approach has allowed for most subsistence users to meet
36 their needs, while accomplishing the goals of increasing
37 the quality of escapement, spreading harvest throughout
38 the run and spreading subsistence harvest opportunities
39 among users in the lower, middle and upper Yukon River.

40

41 The commitment of fishermen in following
42 the announced management actions has been appreciated,
43 especially during these years of reduced salmon returns.
44 While it is encouraging to see the chinook and summer
45 chum salmon run strength at least stable or improved from
46 the 2001 run, it is discouraging to see the continued
47 poor productivity shown by fall chum salmon. The outlook
48 for 2003 will be prepared after escapement information
49 and age composition analysis are completed over the next
50 several months.

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1 This concludes my overview of the 2002
2 salmon season. Both Fred Bue and Tom Vania have provided
3 comprehensive handouts in the back but are not planning
4 to provide oral presentations at this meeting.

5
6 So we're available to answer your
7 questions. Thank you.

8
9 CHAIRMAN NICHOLIA: Go ahead, Virg.

10
11 MR. UMPHENOUR: Thank you, this should be
12 directed at Mr. Vania, I think, but the Salcha River on
13 about the 20th of August, I think, was passing 20 times
14 the normal amount of water and I don't know if anyone
15 drove across that bridge on the Salcha River about then
16 but I did. And so I'm wondering, do you think that any
17 of the fish that spawned in the Salcha River, that they
18 spawned successfully.

19
20 MR. VANIA: I don't really have a comment
21 for that Virgil, I hadn't heard about the water levels on
22 the Salcha, recently there in August. But, you know,
23 like any year they're always subject to various
24 environmental conditions and we can hope for the best for
25 the Salcha. I know escapements that we saw into the
26 Salcha for the amount that they counted, they were out of
27 the water quite a bit during the peak time of escapement
28 for chinook salmon but minimum counts that we have in
29 there puts the estimate on the Salcha, I believe, at over
30 8,000 which is well above the escapement goal range for
31 that river.

32
33 So no, I can't answer as to what the
34 condition of the eggs are going to be for the future for
35 that river.

36
37 MR. UMPHENOUR: Thank you. Mr. Holder,
38 did your department do any analysis on that or have any
39 idea what is going to be the result of that?

40
41 MR. HOLDER: Mr. Chairman. Mr.
42 Umphenour, no, we did not.

43
44 MR. UMPHENOUR: Thank you. Mr. Chair.

45
46 CHAIRMAN NICHOLIA: Go ahead, Jack.

47
48 MR. REAKOFF: Did you do any ichtephonus
49 analysis and have you decided on what kind of reduction
50 in the spawning females have been reduced through

00117

1 ichtephonus as of yet.

2

3 MR. HOLDER: Mr. Chairman. Mr. Reakoff,
4 the ichtephonus research did continue this past year
5 being led by Dr. Cosan from the University of Washington
6 and I believe -- I mean it's ongoing research and we have
7 not established addressing specifically loss of salmon
8 due to ichtephonus. We're not prepared to do that at
9 this time and information regarding what the actual
10 affects of that proteus are on chinook salmon are still
11 being researched.

12

13 CHAIRMAN NICHOLIA: Go ahead, Tricia.

14

15 MS. WAGGONER: Throughout the season,
16 there in August there was several comments during the
17 weekly YRDFA teleconferences regarding the actual run
18 timing, the fall chum run versus the summer chum run, and
19 has that been taken into account in your post-season
20 analysis as for the actual overall strength of the run?

21

22 MR. BUE: Yeah, Mr. Chairman for the
23 record, since it's my first time speaking, my name is
24 Fred Bue and I'm with the Alaska Department of Fish and
25 Game.

26

27 I'm not really certain on your question
28 but the overall run time for fall chums and I think
29 you're referring to the window of time appeared to be
30 normal but it was loaded heavy towards the second half of
31 the run. We're not certain how that will play into our
32 future projections but we do look and see where those
33 fish are bound to, which tributaries they're going to and
34 the distribution of the fish. And it's not so much run
35 timing but run abundance when they reach those
36 tributaries that that plays into our projection.

37

38 MR. VANIA: Genetics are.....

39

40 MR. BUE: Oh, genetics are.....

41

42 MR. VANIA: Right. The genetics that
43 they do every year to determine summer chum versus fall
44 chum, they take it down to Pilot Station every year.
45 Generally they start at the first of July, I believe, is
46 when they begin collecting their genetic samples there.
47 That hasn't been worked up yet. I'm not sure whether
48 it's going to be done before the end of the year or not
49 but they generally put out a report to us every year as
50 to letting us know what the percent going by Pilot

00118

1 Station that they feel, genetically that they sample, and
2 we can look at it then. We've been doing that for how
3 many years now, genetics, three.....

4

5 MR. HOLDER: Three.

6

7 MR. VANIA:three years, looking at
8 the percent summer chum, fall chum. That date that we
9 chose for July 16th for Pilot Station project, so that
10 all goes towards that research there, is that a good date
11 to pick to begin fall chum management so we don't have
12 the results of the genetics yet.

13

14 CHAIRMAN NICHOLIA: You keep mentioning
15 the Pilot Station Sonar, is that thing stuck in the mud
16 sometimes?

17

18 MR. VANIA: No, you're referring to one
19 time back in '94 where there was some problems with
20 project operations where they had a pouring and the
21 Department's gone through a lot of analysis of that, a
22 lot of oversight of that project to try to ensure that a
23 mistake of that magnitude doesn't happen again.

24

25 But that's not to say that Pilot Station
26 is infallible. It does have some problems. It has
27 problems with chinook. There's an apportionment issue
28 that we're trying to deal with, trying to understand the
29 problem with trying to apportion chinook.

30

31 So it's the only project really for
32 summer season, for chinook and summer chum that actually
33 can give us a number so a lot relies on that number so
34 we're trying to work out all the issues and problems we
35 have with Pilot Stations. But the issues are there, the
36 problems are there and there's a lot of oversight into
37 the project trying to make it the best that it can and
38 trying to make it useful for management.

39

40 CHAIRMAN NICHOLIA: And another thing is
41 that why do you put so much emphasis and stuff on the
42 Pilot Station Sonar, is that -- do you know how deep it
43 is there? Do you know what the contour of the river
44 there, to put so much emphasis to cut the people that I
45 represent off all the time, every year for the last three
46 years?

47

48 MR. VANIA: Yeah, there's -- they do
49 bottom profiles at Pilot Station every year so they're
50 well aware of what the bottom is, how deep it is.

00119

1 They're not counting the whole river. There is a lot of
2 emphasis on Pilot Station for assessment of chum salmon.
3 IT has been proven to be more reliable for chum salmon
4 than it has for chinook salmon.

5
6 Throughout the summer I continually
7 reminded people the problems that we have with Pilot
8 Station in regards to chinook salmon and to be very
9 careful on how you use that information from Pilot
10 Station regarding chinook. Summer chum salmon -- the
11 reason why Pilot Station tends to be a little better for
12 chum salmon is one, probably just the migration pattern
13 of chum salmon where they're a little more bank
14 orientated than chinook are which tends to make things a
15 little easier when we're trying to apportion. But we
16 also have checks, we have other projects which are given
17 us an abundance number for chum salmon. For fall chum,
18 you know, you have Rampart tagging project. You have
19 tagging projects that are in the Tanana. For summer chum
20 salmon you have the Anvik River Sonar Project which has
21 been in place since 1980 and that's a major producer. IT
22 produces about 50 percent of the run that goes by so you
23 can use that as a gage to see how Pilot Station is doing
24 as well. We don't have those for chinook salmon, it
25 becomes a little more difficult.

26
27 So kind of trying to remind people to be
28 very careful on how you use the Pilot Station
29 information.

30
31 And like it or not, we have management
32 plans in place on chum salmon, both summer chum and fall
33 chum salmon that are based on Pilot Station. So we try
34 to use all the information we have, not just Pilot
35 Station but we use all the assessment projects that we
36 have, all the tools that we have out there, all the
37 subsistence harvest information to try to verify the
38 Pilot Station which the management plan is based upon.

39
40 CHAIRMAN NICHOLIA: Did you guys follow
41 those suggestions from TCC and Gilbert Huntington and
42 them to have another sonar station on -- there's some
43 kind of bluff, you know, Kaltag, they mentioned that to
44 me, did you guys take that suggestion or you just ignored
45 it?

46
47 MR. HOLDER: Mr. Chairman. I had not
48 heard on that suggestion but I can tell you that the
49 amount of money and individuals invested in sonar
50 programs is very expensive and doing one in the middle

00120

1 river there, basically additional monies and personnel
2 would need to be found. And I guess what I would -- as
3 Mr. Vania and Mr. Bue have indicated to you, we're not
4 solely relying on Pilot Station. That is one of the
5 reasons that the Office of Subsistence Management has
6 been providing additional funds to start up some of these
7 additional assessment projects on the tributaries to
8 actually help us get a better picture of what is going
9 on. And unfortunately Pilot Station is one of the closer
10 ones and one of the earliest ones that gives us an idea
11 of what's going on with the salmon run with it being at
12 Mile 123 basically river mile on the river and it takes a
13 little additional time, it can take a week, two weeks,
14 three weeks to get additional information from some of
15 these up river projects. But we are looking for
16 consistency and from the information that's coming back
17 from these other projects and so as other managers have
18 indicated, it's not solely the indication that we're
19 looking at but we do place a large emphasis on it because
20 it does give us numbers and it is one of the earliest
21 pieces of information that we're getting besides the
22 Emmonak test fishing information and in the fall time,
23 the Mountain Village test fishing information.

24

25 CHAIRMAN NICHOLIA: Since you mentioned
26 the Emmonak test fishery and the Mountain Village
27 fishery, did you guys ever take John Hanson's and Harry
28 Wilde's suggestion to change your set net locations
29 because of sand build up in certain eddies?

30

31 MR. VANIA: The general locations stay
32 the same but from year to year we do shift based on how
33 the sand bars are moving and how the eddies are shifting.
34 We do shift within the general location that we're at
35 from year to year.

36

37 CHAIRMAN NICHOLIA: Go ahead.

38

39 MR. WALKER: Yes, Mr. Vania, Mr. Bue.
40 Robert Walker. I have one question here on your Pilot
41 Station Sonar is, how much did the drift on the river --
42 does it add to your count, does it interfere with your
43 fish count, you got an answer?

44

45 MR. VANIA: Yeah, the drift doesn't
46 affect them, say, this log here is a fish, it won't
47 affect counts that way. As the traces appear on a chart,
48 debris is very easily discerned from a fish trace. Where
49 debris could affect a project would be if it knocked a
50 tripod over or if it tore a cable or just physically

00121

1 hitting the equipment. But to count a log as a fish,
2 they're very easily discernible on the charts so it's
3 generally not a problem.

4

5 CHAIRMAN NICHOLIA: Go ahead, Micky.

6

7 MR. STICKMAN: Yeah, Michael Stickman
8 from Nulato, Western Interior Advisory Committee Member.
9 Thank you, Mr. Chair.

10

11 You know, just talking about the in-
12 season management and the teleconferences this summer, I
13 always brought up the subject of allocation or, you know,
14 I guess the one -- well, fishing season's over now so I
15 guess the one question that I would have is in the
16 commercial openings, I think approximately about 22,000
17 chinook salmon were harvested in commercial fishing
18 openings, did you guys separate those out to, I mean male
19 or female -- how many thousands were male, how many
20 thousands were female?

21

22 MR. VANIA: In the summary, if you look
23 at Page 7 of the summer season of the commercial fishery
24 summary, midway down it shows what the age composition of
25 the commercial harvest was for the samples that were
26 collected. And for the commercial harvest, the samples
27 that were collected in the lower river were -- actually I
28 think this was for the entire lower and upper river
29 combined was 54.7 percent females and 45.3 percent males
30 for the commercial harvest.

31

32 The total commercial harvest was about,
33 just over 24,000 chinook and about 13 and a half thousand
34 summer chum salmon.

35

36 MR. STICKMAN: The reason why I bring
37 that up is because, well, like I've said through the
38 summer in the teleconferences, that, you know, those
39 commercial fishermen with their fishing gear type, the
40 majority of the fish that they caught, well, like you
41 said, 55 percent were female, well, those were like the
42 biggest females out there because of the net gear type,
43 so I was just wondering, you know, as far as conservation
44 is concerned, it seemed like having those commercial
45 openings was like a step backwards because, you know,
46 half the fish they caught were female and like I said,
47 the gear type is -- they take the bigger fish and those
48 are the fish that are primarily going to make it to the
49 spawning grounds.

50

00122

1 MR. VANIA: Well, certainly the gear type
2 that they use is going to target larger fish but as you
3 can see larger fish are also made up of males as well.
4 You know, they had -- 45 percent of them were males as
5 well. So they do catch both males and females. It's not
6 100 percent females that they're catching.

7
8 They are pulsed, they do -- they only
9 catch 22,000, 24,000 fish, half of them are females. You
10 know, likely you look at your subsistence harvest and
11 anybody's that's fishing big mesh gear along the way is
12 going to be similar. We look up into our escapements and
13 we see how the escapement levels are doing. This year a
14 lot of the sex ratio information isn't in yet but this
15 year it appears that the females on the spawning grounds
16 are probably not as good as last year but a lot of that
17 probably can be contributed to a large component of jacks
18 that were coming into the river this year. We had a much
19 higher percentage of jacks that returned this year, which
20 necessarily isn't a bad thing. As you look at a large
21 portion of jacks coming in, that gives us reason to be
22 optimistic for next year that when they return as five
23 year olds, that there should also be a larger proportion
24 of those that maybe had a better survivability of that
25 parent year.

26
27 So the problem with gear is if you want
28 to start targeting smaller fish you start targeting chum.
29 There's no commercial market for chum salmon and in the
30 past few years chum salmon were worse off than chinook
31 salmon so it becomes a matter of where you want to direct
32 a commercial harvest.

33
34 We did manage the season to be based on
35 similar to last year and we saw that looking at last
36 year's season we could have harvested at least 20,000
37 chinook salmon and still met all our escapement
38 objectives and provided for subsistence.

39
40 Going into the season this year, the run
41 was developing very similar to last year so we proceeded
42 as we had planned and harvested about 20 to 25,000
43 chinook salmon. We were able to provide for subsistence
44 and we also met a lot of our escapement objectives. The
45 escapements probably weren't quite as good as last year
46 but last year was exceptional for escapements.

47
48 So we're happy with what we saw except
49 for maybe the Koyukuk. For one reason or another, which
50 is typical from year to year, one area is good and some

00123

1 areas don't do as well. And for some reason this year
2 the Koyukuk -- but we see in Gisasa and Hanshaw and what
3 not, for some reason just wasn't quite as good for
4 chinook this year.

5

6 CHAIRMAN NICHOLIA: Well, I have one
7 comment to say about that. You know, the more big fish
8 you take out of one, say for chinook salmon, the less big
9 fish you're going to have, you need big fish on the
10 spawning ground. So I suggest next year there be no
11 commercial openings. You let it -- just let it try to
12 build itself. You listen -- I said this last year, too,
13 don't listen to the legislature or the push -- every
14 year, man, we get misallocated.

15

16 I'm not trying to pit up river against
17 down river but I want my people to meet their needs
18 sometimes, you know what I mean?

19

20 MR. VANIA: So are you saying that up
21 river didn't meet their chinook salmon needs this year?

22

23 CHAIRMAN NICHOLIA: Not just that chinook
24 salmon, I got one chinook salmon in my freezer, last year
25 I had six.

26

27 Go ahead, Jack.

28

29 MR. REAKOFF: I see the escapement for
30 the Canadian portion is 28,000, what's the required
31 escapement passage into Canada?

32

33 MR. VANIA: The escapement right now is
34 preliminary and that's just based off of preliminary
35 border passage estimate with the Canadian DFO provided us
36 of -- the last one I got was 36,400. The way they tend
37 to do their border passages, they quit giving us updates
38 about the beginning of August and then come late October
39 here they'll likely adjust it down a bit. So then what I
40 did was I took the 36,000 for the estimate border passage
41 and added up what their preliminary harvest was which was
42 about 8,000. So 28,000 was the agreed upon escapement
43 goal this year to allow for a commercial fishery.

44

45 Now, if we didn't commercial fish we
46 could have fished it down to about 25,000 chinook salmon
47 on the US side so we were able to meet our obligations to
48 put fish across the border.

49

50 CHAIRMAN NICHOLIA: Benedict.

00124

1 MR. JONES: Yeah, commercial fishing part.
2 You took all the big females, those are reproductive.
3 And I would like to see closure to five year periods for
4 the next five years to commercial fishing to rebuild our
5 stock. Because 30 years ago there was no commercial
6 fishing on the Yukon River and we had a healthy stock
7 return every year of chinooks. And since the commercial
8 opening it's going down, down, down all the time and
9 never rebuilds.

10
11 So I'd like to see -- and for test
12 fisheries, a lot of people doesn't like the tagging
13 operation of the king salmon, human handling.

14
15 And also another part, too, I've noticed
16 that on the weir steel -- like on the Gisasa River, ever
17 since you guys put in the weir, the -- we're getting less
18 fish going back into the Gisasa River to the spawning
19 grounds every year.

20
21 Thank you.

22
23 MR. VANIA: Well, you know, one thing
24 that I noticed this year that I took a look at was the
25 average weight of chinook salmon caught in the lower
26 river commercial fishery. There's about 19 and a half
27 pounds, I think, this year for just the lower river.

28
29 Then I pulled out some fish tickets for
30 subdistrict 5B, C, commercial period and all gear types
31 combined, the average weight was, oh, I think over 16
32 pounds. Then I took the fishwheel's out and looked at
33 the one net fisherman that they had up there and the fish
34 that he delivered, the average weight of him was 18.7
35 pounds. He was just over a half pound less than what
36 they were fishing down in the lower river.

37
38 So to say that all the big fish are being
39 caught down in the lower river for six commercial periods
40 is not true. Big fish make it through. There's periods
41 of time where there's no fishing at all. That was the
42 basis of the window subsistence fishing schedule. Is you
43 create windows of time where you're not fishing, when
44 you're not fishing fish aren't being caught, fish are
45 going to be passed. Now, they might be caught up river
46 but you're putting more fish up there. It's more likely
47 that these big fish are going to make it through. That
48 was the whole idea behind the subsistence window schedule
49 and that's how commercial fishing works, too. They don't
50 fish seven days a week, 24 hours a day commercial

00125

1 fishing. They fish one period -- two periods a week in
2 one district and two periods a week in another district.
3 And the same goes as the fish go up river. There's
4 periods of time where we fish and we don't fish.

5
6 That was the concept of getting big fish
7 up there rather than doing a gear reduction and
8 redirecting harvest to other species.

9
10 CHAIRMAN NICHOLIA: I think what Benedict
11 was trying to say is that the big fish have been targeted
12 for the last 20 years since commercial has been opening.
13 We're not thinking six years, we're thinking 20 years ago
14 when State management took over. Every year it's been
15 going on, that's what he just said.

16
17 MR. VANIA: Yes, you're right. And the
18 Department, when we have large summer chum salmon runs
19 and we have a market for summer chum salmon, I mean
20 that's good because then we have some restricted six
21 periods which will target a whole age class of chinook
22 salmon. I mean ideally that's what would be nice, is if
23 you could fish a whole suite of different mesh sizes on
24 the commercial fleet, on the subsistence fleet to where
25 you could target all age classes and not just one age
26 class but it's not just the commercial fishery that is
27 targeting large fish.

28
29 I mean it is net fishermen all through up
30 the river from, you know, the mouth of the river to the
31 headwaters in Canada. I mean they're going to catch the
32 biggest fish that they can catch. I mean everybody
33 targets them, that's a prized fish. And that's why,
34 management wise, we try to create windows of time to
35 where we can allow fish to pass through.

36
37 I mean it's market driven, you have
38 escapement goals and if you meet these escapement goals
39 and you allow other fish to go through of all age classes
40 and different sizes, genetically you should be okay and
41 that's something that the genetics at the Anchorage
42 office continually tries to present is you create windows
43 of time that fish aren't being caught.

44
45 MR. STICKMAN: Yeah, I don't know, I just
46 can't, you know, another thing that I brought up was as
47 far as fishing -- as far as these windows and the fishing
48 schedules was, you know, I don't want to say up river and
49 down river but it's got to be that way because you see
50 Districts 1 and 2 where they get 22,000 chinook and

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1 they're getting 22, 24,000 you said -- 24,000 of the
2 biggest ones and where you see the subsistence harvest of
3 probably less than 6,000 along the whole river but then
4 you see one little area getting 24,000, you know, I don't
5 think that's fair.

6

7 CHAIRMAN NICHOLIA: Go ahead.

8

9 MR. WALKER: Thank you, Mr. Chairman.

10 Just adding on to what Micky had to say, it seems like
11 every year, year after year after year for the last eight
12 years that Y1 and Y2 is favored over 4, 5 and 6. Even Y3
13 doesn't fish. I mean why is that? Do they have a lot
14 more money? Do they have a lot more status quo or Lower
15 Yukon has more power than the Upper Yukon or what? I
16 mean there's got to be some kind of answer here. I don't
17 know if Fred could answer that, either.

18

19 Thank you.

20

21 MR. VANIA: Well, Robert, are you talking
22 commercial or are you talking subsistence?

23

24 MR. WALKER: I'm talking commercial, then
25 subsistence is second.

26

27 MR. VANIA: Well, commercial through the
28 Board of Fish process, 90 percent of the harvest is
29 allocated to the Lower River. So they're going to get 90
30 percent of the harvest. So that's an allocation issue
31 that's been gone through the Board of Fisheries.

32

33 For subsistence they're in -- these times
34 of years when we've had poor returns prior to the
35 subsistence schedule being put into place, it was more of
36 a matter of we were used to having these large returns
37 and then all of a sudden we're in a year where we expect
38 a large return to come so we're doing status quo,
39 everybody's going to fish, we're doing normal subsistence
40 with the commercial fishery, even before the returns
41 started to diminish we wouldn't commercial fish until we
42 had about a seven day build up which would, on average,
43 provide for escapement and subsistence needs. When we
44 had good years of good returns, that's all it took. A
45 week of fish going by the lower river we could start
46 commercial fishing and that was all the fish that upper
47 river and escapement needed.

48

49 Well, now we have years of poor return
50 and this year we decided to wait until the mid point of

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1 the run before we were confident enough that the run was
2 good enough to allow for commercial. So we have these
3 mechanisms in place to provide for fish to put them up
4 river, pass the commercial before we start fishing.

5

6 For subsistence we went through the Board
7 of Fisheries to try to determine -- try to spread it
8 equally, the opportunity out and not have seven day a
9 week fishing in the lower river at the beginning of the
10 season. So we're trying to come up with an optimum
11 schedule and we know the schedule has some problems. The
12 Department has submitted an ACR as well as -- Mr.
13 Umphenour has also submitted an ACR to the Board of
14 Fisheries to give some clarity on the subsistence fishing
15 schedule.

16

17 So these are things that we're trying to
18 work out and trying to make it to where everybody has an
19 equal opportunity to get their subsistence needs met.

20

21 MR. WALKER: Yes. But I just really feel
22 that we're being discriminated against. Because you --
23 the Fish Board and the biologist here favors Y1 and Y2
24 and I just really feel that, you know, you people are not
25 doing a very good job, period.

26

27 Thank you, Mr. Chair.

28

29 MR. VANIA: Well, I mean that's a Bard of
30 Fishery issue, when we're dealing with allocations. But
31 what we do see is in years of high summer chum salmon
32 returns, I mean that's District 4's fish, this summer
33 fish, I mean that's your fishery. You know, especially
34 subdistrict 4A, that's not a king fishery there, they
35 fish with fishwheels, they target summer chum salmon and
36 there's no buyers for chinook salmon. So I mean that's
37 not a discrimination thing, that's just a reality of what
38 you catch, what's the market for and it's a Board of Fish
39 process on allocating the harvest. I mean the Department
40 just -- we have to go with what the Board of Fish does,
41 the Department doesn't allocate the fish.

42

43 MR. STICKMAN: But you can change all
44 that.

45

46 MR. WALKER: One more, question, Mr.
47 Chair.

48

49 CHAIRMAN NICHOLIA: Go ahead.

50

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1 MR. WALKER: And it just shows through
2 that, you know, last winter when we had a meeting last
3 year we were specified Y4 and 5, that we were not going
4 to fish at all, period, and so was not 1 or 2 and 3 and
5 come June Fish and Game started calling around and said,
6 you know, you guys want to fish, we got an excess amount
7 of dog fish -- summer chums, rather. I said, how are we
8 going to fish, we don't have a buyer, nobody's geared up
9 because you specified, you told us we're not going to
10 have any fishing. That's my last question.

11
12 MR. VANIA: Yeah, Robert. And, you know,
13 the summer chum surprised us all. We went from 450,000
14 fish to over a million fish. And the Department, we're
15 always trying to be prepared for the unexpected and with
16 summer chum salmon, you know, we didn't expect enough
17 fish to come by -- to have enough for a commercial
18 fishery. And when they did come back, yeah, we were
19 scrambling, we were going to do what we could to provide
20 for a commercial fishery of summer chum salmon for that
21 area.

22
23 Likely when we're coming off a years of
24 very bad returns, we're going to be behind the eight ball
25 just like we were when we came off of years of good
26 returns going into bad returns and we were overfishing.
27 Likely it's going to be the same way the other way
28 around, we're going to be behind the eight ball trying to
29 catch up to runs that come in unexpected.

30
31 And if you guys have any ideas on how to
32 change that.....

33
34 CHAIRMAN NICHOLIA: Excuse me, we may be
35 running out of time here.

36
37 MR. JONES: Yeah, you didn't answer my
38 question on the weir. Another thing is that we expect
39 2006 and 2007 that we'll have a poor run if this -- if we
40 had a poor run this last two years on chinook and fall
41 chum; is that correct?

42
43 MR. BUE: As far as Gisasa weir?

44
45 MR. JONES: (Nods affirmatively)

46
47 MR. HOLDER: Mr. Chairman. Mr. Jones.
48 The Gisasa weir, I believe what you're referring to these
49 times of low productivity, Gisasa weir has had it's
50 counts go down but I do not believe that that is in any

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1 way, shape or fashion, a function of the weir itself that
2 -- I mean we have been seeing , you know, reduced returns
3 that have been coming back for several years and
4 basically I'm thankful that we've had those escapement
5 projects in there to give us a realistic picture of what
6 kind of numbers we are getting out to the spawning
7 grounds. But I do not believe it is a function of those
8 projects actually operating reducing fish numbers in any
9 way.

10

11 CHAIRMAN NICHOLIA: Go ahead, Virg.

12

13 MR. UMPHENOUR: Thank you. On your
14 summer report on Page 7, halfway down you say that the
15 composition of the harvest in the commercial fishery in
16 the Lower Yukon was 54.7 percent females and then on Page
17 10, up at the very top it says, the sex composition of
18 the samples in the Upper Yukon from the commercial
19 fishery is 30.5 percent females. My question is, of
20 these sample -- fish that were sampled, how many of them
21 were sampled from 5B and C and how many from 6 or were
22 they lumped together or how was that done because I know
23 they were sampled from both districts.

24

25 MR. VANIA: Yeah, Virgil, if you look on
26 Page 8 under the header districts 1 through 3, the last
27 paragraph, the last sentence, the sex composition of
28 samples for the commercial catch there was 56.2 percent
29 females.

30

31 MR. UMPHENOUR: That's for District 1, 2
32 and 3.

33

34 MR. VANIA: Correct. And then so you're
35 looking at.....

36

37 MR. UMPHENOUR: The top of Page 10.....

38

39 MR. VANIA: You want to know what that is
40 between.....

41

42 MR. UMPHENOUR: Well, it says.....

43

44 MR. VANIA:5 and 6?

45

46 MR. UMPHENOUR: Yeah, it says it was 30.5
47 percent females and 69.5 percent males.....

48

49 MR. VANIA: Right. I don't think that
50 was.....

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1 MR. UMPHENOUR:from the Upper
2 river's commercial harvest.

3
4 MR. VANIA:broken down between -- I
5 don't think that's broken down between Districts 5 and 6.
6 I think that's combined.

7
8 MR. UMPHENOUR: Okay. Because I don't
9 think it was that high in the Tanana. I know because I
10 -- all those fish were sampled at my plant.

11
12 MR. VANIA: Right. Probably not. It was
13 all pretty much fishwheel there on the Tanana.

14
15 MR. UMPHENOUR: Thank you.

16
17 MR. REAKOFF: And looking at the proof in
18 the pudding on the spawning grounds, the numbers of
19 females on the spawning grounds, I'm looking at this
20 escapement numbers is 13 percent to 30 percent females.
21 And I asked that same question last year about this
22 ichtephonus and it was all in the mulling over stage.
23 That 28,000 escapement over Canada, that directed fishery
24 on chinook was directed at that Canadian component. And
25 without increasing this escapement goal, with these --
26 the lower numbers of females, I'm telling the Federal
27 program it's my deep concern that there are -- the
28 Federal program should start looking at these escapement
29 numbers for these females that are actually on the
30 spawning grounds.

31
32 Two or three years later we're letting
33 less and less females get over up onto the spawning
34 grounds. In the Chena River, the Gisasa, all these weir
35 projects are showing very low escapement numbers of
36 females on the spawning grounds and I'm stating to the
37 Federal program right now I'm very concerned with that. I
38 do not think that a commercial fishery was warranted this
39 year, especially targeting \$3.37 a pound seems to be the
40 driving force of directing a fishery like that up river
41 component and without bolstering these escapement numbers
42 after these crash years, I'm very concerned about that.

43
44 These numbers are showing there's
45 something wrong here and you better start looking at
46 these escapement numbers on -- these female numbers on
47 the spawning grounds.

48
49 MR. SANDONE: Yeah, my name is Gene
50 Sandone and I'm the regional supervisor for AY-K

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1 Commercial Fisheries Division. We're going to -- we have
2 some money to look specifically at ichtheponus research
3 next year and I think one of the things that we will be
4 doing is looking at infection rates on the spawning
5 grounds. So the JTC is in the planning stages on that
6 research and I think we'll be probably starting next
7 year.

8

9 MR. VANIA: Mr. Chairman. Mr. Reakoff.
10 I wouldn't say that the commercial fishery was directed
11 at the Canadian component this year. On the contrary,
12 waiting to the mid point of the run, likely we let a lot
13 more of the Canadian component of the run go by than what
14 has been done in the past. The Canadian component of the
15 run generally is at the front end of the run, although it
16 does extend through to the end of June but also later
17 into June you also have a larger middle and lower river
18 component that's starting to build up. So the harvest
19 really wasn't geared towards the Canadian component of
20 the run.

21

22 And I am sorry but I don't have a table
23 that shows historic sex ratios at the various escapement
24 projects as well as a commercial harvest. But I think
25 you'll find that sex ratios do fluctuate from year to
26 year. Now, a lot of it is driven basically on what the
27 age composition of your run is. If you have a lot of
28 four year olds coming through, you're going to tend to
29 have a year where you're going to have a higher male
30 proportion of your run jut in itself. So you wouldn't
31 expect to see a 50 percent male/female ratio on your
32 spawning grounds, just even in a naturally spawning area
33 that has no exploitation at all.

34

35 MR. REAKOFF: Might I restate, the
36 directed fishery was targeted at the fatter component
37 fish. The up river stocks. We know the Koyukuk came in
38 flat. We know that the up river -- I consider that
39 Canadian escapement as a very low number, myself. And it
40 was -- I listen to that YRDFA teleconference when you
41 were having your second opening and people were wanting
42 to commercial fish down there and you stated that nobody
43 wants the down -- the Andreafsky fish, they don't want
44 the down river chinooks, they want the up river fish,
45 that fishery was directed at the up river fish. And
46 these up river fish have been taking a beating. These up
47 river fish have got real low escapement female ratios,
48 I'm saying this has to be looked at not next year, this
49 has to be started to looked at right now. This is two
50 years. This is two years into some data that's very eye-

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1 opening.

2

3 I feel that these low numbers of female
4 on the spawning grounds is something to be reckoned with.

5

6 CHAIRMAN NICHOLIA: Go ahead, Tricia.

7

8 MS. WAGGONER: Is there any work that's
9 being done to look at the actual percentage of fish that
10 are making it to the spawning grounds that are able to
11 spawn? I know they're doing some work down in Southeast
12 about that. That they're getting fish up on the spawning
13 grounds but they just don't have enough oomph left to
14 spawn and I think, you know, the ichtephonus and
15 everything else that's going on maybe that's -- has that
16 been looked at all on the Yukon?

17

18 MR. HOLDER: Mr. Chairman. Ms. Waggoner.
19 I don't believe there's specific research going on
20 addressing your concern of fish getting back to the
21 spawning grounds and being unable to physically spawn.

22

23 MR. SANDONE: Yeah, I just want to chime
24 in here, this is Gene Sandone again. We do carcass
25 surveys on some streams where we get our standards for
26 our scale pattern analysis. And I don't believe -- and
27 we usually collect fish that are spawned out or dead to
28 take the scales off of and I don't believe in my
29 experience that we've seen a high number of fish or even
30 relatively a high number of fish that didn't spawn.

31 They're mostly spawned out.

32

33 CHAIRMAN NICHOLIA: I think this will be
34 the last of the comments on the post-season, I think we
35 better move on to the coordinated fisheries committee or
36 if Jill Klein wants to come up here and say something to
37 us, let her do it.

38

39 MS. KLEIN: Thank you, Mr. Chair. Okay,
40 I'm going to just briefly talk about the teleconferences.
41 And for the record my name is Jill Klein with the Yukon
42 River Drainage Fisheries Association. And as many of you
43 know and have been speaking about, YRDFA hosts in-season
44 management teleconferences during the summer fishing
45 season. These teleconferences are sponsored and
46 facilitated by YRDFA through various funding sources.

47

48 For the past two years, the
49 teleconferences have been held on a weekly basis, mainly
50 for about an hour in duration. The purpose of the calls

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1 is to enable fishermen from the Yukon River to speak with
2 each other as well as with personnel from the State and
3 Federal agencies that manage the fishery.

4

5 It's not only a YRDFA board of directors
6 teleconference, which many people tend to think it is,
7 it's for all interested people on the river and most
8 people tend to participate when the fish are in their
9 region.

10

11 YRDFA is always looking for new ways to
12 maximize participation from the fishermen and others that
13 do participated during the teleconferences. We would
14 like to work with the coordinating fisheries committee
15 and the Regional Council members to do this to try to
16 increase participation and some of you do regularly
17 participate.

18

19 Over the course of the season YRDFA does
20 receive many comments from both fishers and managers that
21 tend to get frustrated by the discussions that take place
22 and the decisions that are made. Many concerns are
23 raised during the season and as you know, the calls are
24 about an hour and it's hard to get through those concerns
25 and fully discuss them in that time period with the
26 various parties on line.

27

28 So I do welcome your comments and ideas
29 that can work to positively address these concerns as the
30 previous conversation has been doing as well as to figure
31 out new ways of how we can communicate and how we can
32 make decisions during the in-season. This, I think,
33 would lead to greater participation in the
34 teleconferences and greater understanding by the
35 fishermen and the managers.

36

37 Many of the members of our board of
38 directors are lifelong fishermen living along the Yukon
39 River. This wealth of experience and knowledge continues
40 to make us an effective organization for working on the
41 in-season management and the management plans as well as
42 regulatory decisions that take place.

43

44 As mentioned before, the decisions do
45 need to take place in a timely manner as earlier
46 proposals today have discussed. In light of this, we
47 hope to come up with a way to get the appropriate
48 information during the season out to fishermen before
49 decisions are being made. This will help keep people
50 informed, keep them a part of the process and as well,

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1 help increase their understanding of how management
2 decisions are made. So we hope to combine our experience
3 with the Regional Councils and try to utilize the
4 teleconferences as best as we can and that it's not just
5 a phone call but it's really the forum where management
6 takes place and it can really affect how management takes
7 place.

8

9 So that's all I have to say about it at
10 this time. I'm open to any questions.

11

12 Okay, thank you.

13

14 CHAIRMAN NICHOLIA: I think for the Yukon
15 coordinating fisheries committee members is that you've
16 already heard our comments. Most of my comments were
17 directed to Fred Bue and Tom Vania in the coordinated
18 fisheries committee, but if you have any speak -- Micky.
19 Benedict.

20

21 MR. JONES: What?

22

23 CHAIRMAN NICHOLIA: Do you have any
24 comments as a coordinated fisheries committee member?

25

26 MR. JONES: I really appreciate you keep
27 us updated on the fish, the timing of the fish, you know,
28 all that and the people from the villages just know about
29 the day to go out fishing so it helps the subsistence
30 fishermen to harvest during those periods.

31

32 CHAIRMAN NICHOLIA: What next Donald?

33

34 MR. MIKE: Mr. Chair.

35

36 CHAIRMAN SAM: I got a quick question.
37 As a coordinating fisheries committee member, do you feel
38 you have any power or people listen to you down in
39 Anchorage or at OSM? Do you feel that you're
40 contributing to the conservation efforts, anyone
41 that....

42

43 CHAIRMAN NICHOLIA: Yeah, I'm a
44 coordinating fisheries committee member, I don't have no
45 power but I do get a lot of input from the people I
46 represent on fisheries and I do speak up once in a while,
47 but not all the time. I can't stick my neck in
48 everything.

49

50 Virg.

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1 MR. UMPHENOUR: Thank you. I do know
2 that I was contacted by Mr. Holder several times during
3 the season concerning potential management actions, you
4 know, before we had our special meetings and I
5 appreciated that and I feel that he listened to my input.

6
7 Thank you.

8
9 CHAIRMAN NICHOLIA: Trish.

10
11 MS. WAGGONER: Yeah, I was going to make
12 the same comment. I really appreciated the managers at
13 least contacting us ahead of time. You know, at least a
14 heads up when people that we know called and screamed and
15 yelled, we knew about it ahead of time and so that was
16 really good, you know, that you guys did that as much as
17 possible.

18
19 CHAIRMAN NICHOLIA: What time is it?

20
21 MR. MIKE: It's five to 5:00, Mr. Chair.
22 We have to clear out of here by 5:30, so I'd kindly ask
23 all the Council members please take all your meeting
24 materials with you. And the Western Interior Regional
25 Advisory Council will be meeting at Springhill Suites at
26 7:00 o'clock. And we'll reconvene here tomorrow at 9:00.
27 The Eastern Interior Council will meet on the other end
28 and the Western Interior will meet here on this end at
29 9:00 o'clock tomorrow.

30
31 CHAIRMAN NICHOLIA: Okay. Bill, did you
32 want to make a comment to these guys? You raised your
33 hand there -- were you raising your hand to me or were
34 you just scratching your head? All right, then we'll
35 reconvene until tomorrow.

36
37 (PROCEEDINGS TO CONTINUE - IN BREAKOUT SESSIONS)

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CERTIFICATE

3 UNITED STATES OF AMERICA)

4) ss.

5 STATE OF ALASKA)

7 I, Joseph P. Kolasinski, Notary Public in and for the
8 state of Alaska and reporter for Computer Matrix Court
9 Reporters, LLC, do hereby certify:

11 THAT the foregoing pages numbered 2 through 135 contain a
12 full, true and correct Transcript of the EASTERN INTERIOR and
13 WESTERN INTERIOR FEDERAL SUBSISTENCE REGIONAL ADVISORY COUNCILS
14 MEETING, taken electronically by Salena Hile on the 8th day of
15 October 2002, beginning at the hour of 9:00 o'clock a.m. in
16 Fairbanks, Alaska;

18 THAT the transcript is a true and correct transcript
19 requested to be transcribed and thereafter transcribed by under
20 my direction and reduced to print to the best of our knowledge
21 and ability;

23 THAT I am not an employee, attorney, or party interested
24 in any way in this action.

26 DATED at Anchorage, Alaska, this 21st day of October 2002.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04